



Final Environmental Impact Report

CANDLESTICK POINT–HUNTERS POINT SHIPYARD PHASE II DEVELOPMENT PLAN PROJECT

Volume V: Final EIR Comments & Responses (Letter 50 through Letter 86)

SAN FRANCISCO REDEVELOPMENT AGENCY
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San Francisco Redevelopment Agency
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■ Letter 50: People Organized to Win Employment Rights (1/12/10)

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Letter 50

January 12, 2010

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**2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR
Comments on behalf of People Organized to Win Employment Rights (POWER)
Introductory pages of DEIR**

Abusive schedule for Comments

This is the EIR for the most complex development project in San Francisco. It authorizes development on federal, state, city and Redevelopment land. It covers thousands of pages and includes development on the City's only Superfund site. It has an insane proposal to develop a stadium for the 49ers who have PUBLICLY announced they intend to abandon San Francisco, are developing a stadium in Santa Clara, that their second choice is a joint stadium with the Raiders in the East Bay. There are complex transportation circulation issues. There are multiple state jurisdictions involved.

Yet the DEIR was published with an absolute MINIMUM 45 day comment period - ending **December 28**, three days after Christmas, a comment period which included the Thanksgiving holidays PLUS the Christmas holidays. Many government offices, as well as non-profit organizations, are CLOSED or have drastically reduced staffing during these holidays. When an extension was granted to January 12, that date was swas soon after offices had just reopened after the New Year holiday.

This schedule is being driven by an insane desire to have the FEIR certified and all local approvals done by June. The willingness of the Planning Department, the Redevelopment Agency and the Mayor's Office to complicate informed public input with an impossible deadline for written comments is not worthy of this City.

Related to this was the inappropriate participation and VOTE against continuance of public comment by Planning Commissioner Michael Antonini. That Commission considered a motion to formally extend comments to early February. PRIOR to any hearing on the DEIR Commissioner Antonini had written and submitted for publication in the SF Business Times an op ed clearly advocating for expedited approval of a new 49ers stadium, which necessarily involves approval of the EIR for that project. The stadium is an integral part of the project FOR WHICH HE WAS REVIEWING THE ADEQUACY of the EIR. Commissioner Antonini has clearly prejudged the DEIR because of his advocacy of the stadium project BEFORE the Commission's first hearing on the project, the DEIR. Further, when the motion to extend the comment deadline was made, he questioned whether a 45-day comment period (THE MINIMUM required) and argued that the period should have been an absurd **30 days**. He worked to ensure that the Planning Commission not extend the public comment period, thereby harming my clients and others who requested that extension.

50-1

50-2

2 of 5

Commissioner Antonini should not be allowed to be further involved in evaluating this DEIR because he had shown that he is not impartial about this project. In particular he cannot give fair consideration to alternatives that do NOT include a stadium.

↑
50-2
cont'd.

Second overall comment.

Maps (Figures) which are referred to in the text should be checked and amended to show every street, every parcel that is referenced in the text. Throughout the DEIR, the text refers to a map and a particular street and when the map is checked that street is not labeled on the map. Please review and correct every single instance where the TEXT refers to a "Figure" and determine whether each street/location mentioned is labeled on that figure. If it is not labeled, PLEASE AMEND to show it. This is a generic and consistent problem/frustration.

50-3

page I-3 - Hunters Point Shipyard - it is impossible to understand the various Parcels in the Shipyard and Hunters Point Areas without a CLEAR current map showing the boundaries of those Parcels and Areas, including Area C. To the extent that boundaries have changed or been renamed (Parcel A-Prime, Parcel B-Prime) that should be indicated. The proper place for this map belongs in the TEXT of chapter I of the FEIR, **not** hidden in the back in a Comments and Responses document. This should be a text/map amendment.

50-4

It is common for Commissioners and other persons talking about the Shipyard to mention a site by a Parcel or Area label. The EIR must prominently include that info to be useful to the public and decision-makers.

50-5

I-5 - Prop G included language re standard of clean-up.

It is inappropriate to refer to Prop G without including the specific language of that Proposition without including the specific language for the level of toxic cleanup to be performed. Cleaning the site so housing and similar uses are NOT allowed, because the land is only cleaned to the standard for the stadium is dishonest and inappropriate in an environmental disclosure document.

50-6

I-7 - the DEIR mentions public agencies, other than "lead agencies" the Redevelopment Agency and the City, with discretionary authority over aspects of this project are mentioned. Some of those agencies are "Responsible Agencies" under CEQA. BCDC is one such Responsible Agency. Please list each Responsible Agencies and also provide a basic description of "Responsible Agency."

50-7

II-1 - "a new stadium for the San Francisco 49ers." As part of the defined project. The 49ers have **publicly** announced their intention to abandon Candlestick Park and move to Santa Clara. They have stated their lack of interest in Hunters Point and are publicly in negotiations to build a new stadium there. Why is the City and this DEIR seemingly obsessed with incorporating a new 49ers stadium? Is the design of the stadium and the layout of spaces based on input from the 49ers? Do the EIR authors have any idea whether what is being discussed in the DEIR is (a) acceptable to the 49ers, (b) what they really want, (c) capable of being financed without further subsidy by the City or Agency. It is fairly well-known that recently constructed stadiums have involved MASSIVE government subsidies of one sort or another. Football stadiums are built for a very limited number of games a year. They have difficult configurations, including transportation access. Because of the extremely high ticket prices they do not really serve the residents of adjacent areas, but those individuals and corporations that can afford those ticket prices. How much money has been spent ON THIS EIR to analyze a stadium project?

50-8

What is the obsession with building a stadium for a team that has announced its intention to go elsewhere?
How much is the City/Agency/Lennar to pay to subsidize construction of the proposed stadium?

Same page - footnote appears to be missing "acres"

50-9

3 of 5

Figure II-1 - you should include an arrow pointing to the proposed Santa Clara location of the new 49ers stadium.

50-10

Figure II-2 - Please indicate the boundary of the Candlestick Point State Recreation Area. Also show and label the boundary of Area C in Hunters Point. Those dashed boundaries around Hunters Point Phase 1 area/s are unclear. Please clean that up so it is also clearly indicated. Development in Area C will directly affect impacts on THIS area - particularly transportation.

50-11

Page II-6 - (Project Objectives)

2. There is another DEIS/DEIR that is not yet available but which is integral to understanding this development - the Transportation Improvement Project (TIP) Transportation connections to the City, to the freeway system, to the sub-areas depend on the improvements covered by that DEIS/DEIR. This DEIR ignores discussion of those impacts because the TIP DEIS/DEIR is not yet available. The public should have that information before the close of comments on THIS DEIR.

50-12

3. Is there an intention to have housing in this project that is available/affordable at anything close to the amount/percent needed for housing to be produced in San Francisco at necessary levels of affordability? Refer to goals set out for SF in the most recent regional allocation per the Housing Element. The term "market rate" covers everything from housing for those earning 150% of area median income to units costing multiple millions that are only available to the super-rich. What is the "market" to be served by "market-rate" housing? How much housing at that income level is "needed" in San Francisco? To what extent do other developers, including those with already approved projects, plan to meet that need for "market rate" housing?

50-13

Page II-7

Project Objective 5. "encourage the 49ers" - see comments above, particularly in light of Objective 6, "fiscal prudence"

50-14

Is it fiscally prudent to allocate such a significant amount of land to a stadium that will be used VERY FEW days every year? If the stadium has a long life of even 40 years (what is the average span of professional football stadiums?) even with 12 games/year, that would only be 480 days in 40 years.

Stadiums are a cash sink. Again, how much money is the Agency/City/Lennar prepared to throw at the 49ers to "encourage" the 49ers to abandon their plans to move to Santa Clara? One of the costs has already been borne by the public - sufficient time to comment on this DEIR. There is an obsession with getting the EIR certified and all necessary approval using an absurd schedule that assume that every approving agency will take only minimal time to consider the information in the EIR.

50-15

It is irrelevant whether there have been dozens or hundreds of community meetings on this project. Until November 12 there was no PUBLIC ENVIRONMENTAL DOCUMENT that sets out - for the first time - the range of environmental information mandated by LAW.

Figures II-3 and II-4 (and others throughout)

These are two specific figures where streets referenced in the text are not labeled on the map. See other comment on need to label all streets or areas which refer to a particular figure.

50-16

4 of 5

Same figures - Bridge over Yosemite Slough

Throughout the DEIR renderings there is confusion about the straight line across Yosemite Slough. It is shown as a “project boundary here, but it is also a bridge, a transit line and a few days of the year, a roadway. Every rendering must be reviewed to ensure that ALL of its functions - relevant to comments on that rendering - are set out.

50-17

Further, a boundary generally ENCLOSSES some *space*. Please describe (SHOW IT IF POSSIBLE) the SPACE shown for the “boundary” over Yosemite Slough. The area east of the boundary line for the HP Shipyard obviously goes to the Bay. Ditto for the boundary line for Candlestick Point. But that black line over the Slough - ? Please explain it as a boundary.

Figure II-5 - same as Figure II-3 and Figure II-4. This figure is referenced in text of II-20 referring to “Crisp Road.” Crisp Road should be labeled on this figure.

50-18

II-13 - Neighborhood Retail - grocery store. Please explain access (car, transit, pedestrian, bicycle) to any grocery store - from the rest of BVHP outside project boundaries. Also, the size of a major grocery store, when it will come on line, whether it will be allowed to have free parking. How much new housing has to be built before there is sufficient market demand to support a grocery store?

50-19

II-14 - Hotel - The site designated for a hotel appears to have a 65-foot height limit. Please explain the nature of the hotel proposed and who it is expected to serve.

50-20

II-20 - Stadium - What survey was done of other football stadiums re how those facilities are used for events other than football games? What is the experience of other “new” stadiums, particularly ones that have been open for 3 or 4 years? Do they have rock concerts? Other large events? Political rallies? Religious ceremonies/crusades? Public events? How often? Are they marketed to help reduce the subsidies poured into the facility, i.e. to spread the costs beyond the 8-12 football games/year? Since there is no football team negotiating to build/occupy THIS stadium, does the DEIR *assume* those limits? Please provide solid information on usage of other stadiums.

50-21

If the Olympics came to the Bay Area (there is a history of such attempts) would this facility be “out of bounds” for such use? If Nelson Mandela, or someone of similar prominence, came to SF could an event for that person be held in this stadium?

II-24 - CPSRA 4th line - state rec area “as *required* by SF 792?” Shouldn’t that be ALLOWED by SB 792? SB792 did not complete the transfer but merely authorized it.

50-22

Figure II-8 - the caption includes “approved” parks. But nothing on the key shows “approved” - just existing. Please clarify or correct.

50-23

II-28 - Candlestick Point SRA - second paragraph appears to describe the EXISTING plan for the state rec area, not the project in the DEIR. If it includes BOTH, please clarify which actions/improvements are those ALREADY planned by the State versus those planned by THIS PROJECT.

50-24

Figure II-10 - The Yosemite Slough boundary/line is even more ambiguous on this graphic. What is that weird red line? Does it show state parkland to be removed? Further, just south of Harney there is a skinny green area with an apparent red-cross-hatching. Is this also proposed to be removed? This graphic is really hard to read.

50-25

5 of 5

Since the affected area is basically Candlestick and Yosemite Slough something LARGER that shows just those areas would be helpful.

↑ 50-25
cont'd.

II-32 - please describe the effect of a 1.5 meter sea level rise on these open spaces, particularly if toxics remain on the Shipyard site. Capping occurs on the TOP of the land. Sea level rise occurs from UNDERNEATH. What effects of surge added to sea level rise.

I 50-26

Figure II-12 - map of Roadway Improvements. Connections to the NORTH (Innes) seem truncated due to omission of analysis of TIP Improvements and of development at Area C. It is absurd to believe that there will not be improvements connecting the stadium to 3rd and particularly to the freeway system. It appears that the majority of the roadway improvements will occur outside the project boundaries, and the impacts of their construction will similarly be felt OUTSIDE those boundaries throughout the BVHP community.

I 50-27

II-39 - Muni line improvements - Please explain how MUNI operating funds will be GUARANTEED for cited improvements. Muni has been recently cutting service because of financial problems. OPERATING guarantees? Provide a map showing the special events "signalization" controls.

I 50-28

II-51 - Site Preparation Schedule - This is VERY difficult to read. Please redo entire graphic to make it legible. The dominant color in the upper left is THICK RED BOUNDARIES around almost impossible to read "key" colors. The key for the second column has colors that are very hard to "read" against that figure. This figure is a 4 on a scale of 1 to 10 (best) in terms of providing legible helpful information. This is really necessary info. Make it legible.

I 50-29

Figure II-17 - When is Phase I to be completed? Show area and key on map.

I 50-30

II-54 - reference is made to Parcel B Record of Decision. Please describe and where is it available?

I 50-31

II-55 - Shoreline Improvements - please describe effects of 1.5 meter sea level rise - particularly on "capped" (on top, NOT underneath) unremoved toxics in Parcel E.

I 50-32

II-71 - please superimpose Parcel Boundary for HP Shipyard and proposed uses so this information can be truly useful. This is SUBSTANTIAL area of Project Site that is on fill and could be affected by 1.5 meter sea level rise - water comes up from UNDERNEATH as well as horizontally.

I 50-33

II-79 - what is the market for space for R&D at this location? Type of businesses?

I 50-34

II-81 - project approvals You have a schedule for project approvals - I showed it at the hearing. Please insert the anticipated schedule as of the date of release of this DEIR.

I 50-35

Figure III.B-1 -EXISTING LAND USE - The legend is reversed for residential and commercial/industrial on this Figure. Did ANY of the text rely on the coding on this figure for use at a particular site?

I 50-36

In general it is difficult to understand which development will occur on which parcels.

I 50-37

Sue Hestor
For POWER

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■ Letter 50: People Organized to Win Employment Rights (1/12/10)

Response to Comment 50-1

Refer to Response to Comment 1-1 and Response to Comment 85-5 for a discussion of the adequacy of the public comment period, including the many opportunities for providing comments on the Draft EIR.

Response to Comment 50-2

Refer to Responses to Comments 1-1 and 85-5 for a discussion of the adequacy of the public comment period, including the many opportunities for providing comments on the Draft EIR. The commenter's opinion regarding Supervisor Antonini's participation in decisions concerning the Draft EIR is noted.

Response to Comment 50-3

Where the commenter specifically requests a particular label or designation on one of the figures (in other comments), those have been added to the figure in question. While not every figure in the Draft EIR has been revised, where the Lead Agencies determined that clarification or revision was necessary to provide greater detail, select figures have been revised. A complete list of revised figures can be found in the table of contents of this Final EIR.

Response to Comment 50-4

Revised Figure III.K-5 (Hunters Point Shipyard Phase II Navy Parcel Overlay), Draft EIR page III.K-51, and new Figure III.K-6 (Status of CERCLA Process) provide illustration of the parcels discussed in the EIR (the figures are presented in Master Response 9 [Status of CERCLA Process]). Figure C&R-14 (Hunters Point Shipyard Navy Parcel Overlay on Project Land Use Plan) illustrates how the Navy parcel nomenclature relates to the Project land use plan.

While Figure III.K-5 and Figure III.K-6 do not show the specific location of Parcel B-Prime, Parcel B-Prime is located entirely within Parcel B, which is illustrated on Figure III.K-5 and Figure III.K-6, and none of the analysis or findings of the Draft EIR would be altered by illustrating this "subset" of Parcel B. However, for ease of reference, the location of Parcel B-Prime (and Parcel A-Prime) is provided in Figure C&R-15 (Location of Parcels A' and B') of this document. The use of the "prime" designation for Parcels A and B is not used by the Navy, but, instead, is used by the San Francisco Redevelopment Agency for parcels transferred from the Navy to the City.

Area C, by contrast, refers to an area outside of the Shipyard and outside of the Project site that was designated by the Agency for purposes of its Bayview Hunters Point Survey Area. Figure C&R-16 (Bayview Hunters Point—Area C Survey Area) shows this area. The Project does not propose any development of Area C.

Response to Comment 50-5

Refer to Response to Comment 50-4 for a discussion of the various places that an illustration of parcels or areas can be found.



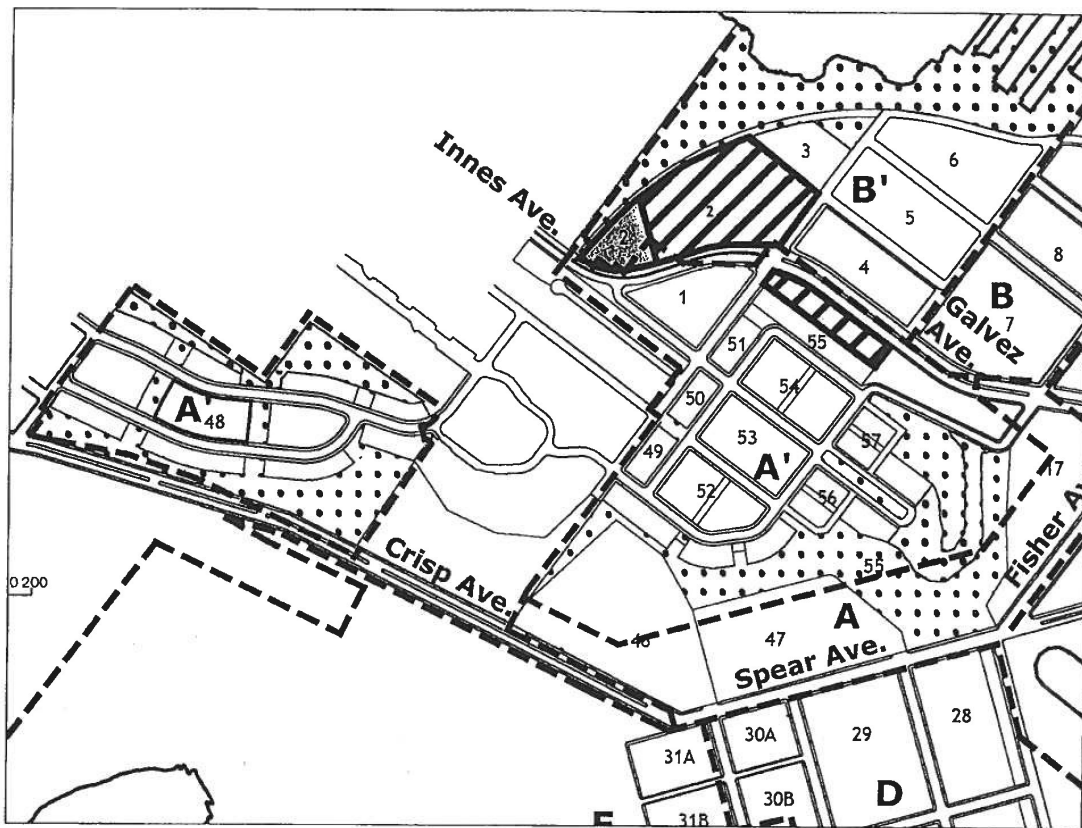
SOURCE: Lennar Urban, 2010.

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FIGURE C&R-14



Candlestick Point — Hunters Point Shipyard Phase II EIR
**HUNTERS POINT SHIPYARD NAVY PARCEL OVERLAY
 ON PROJECT LAND USE PLAN**



-  Community Parcels
-  Open Space



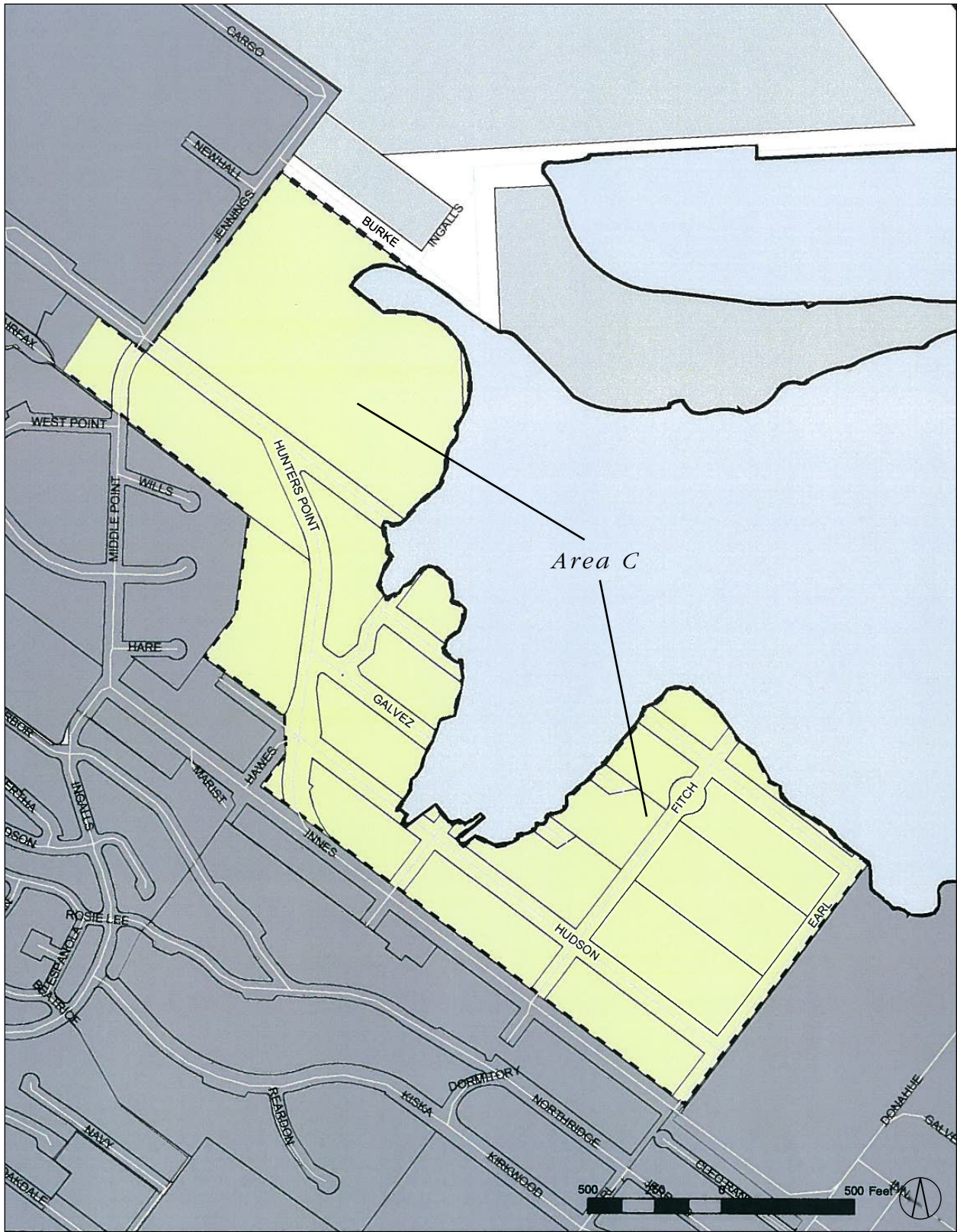
SOURCE: San Francisco Redevelopment Agency, March 20, 2006; PBS&J, 2010.

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FIGURE C&R-15



Candlestick Point — Hunters Point Shipyard Phase II EIR
LOCATION OF PARCELS A' AND B'



SOURCE: San Francisco Redevelopment Agency, March 20, 2006; PBS&J, 2010.

PBS&J 04.16.10 02056 | JCS | 10

FIGURE C&R-16



Candlestick Point — Hunters Point Shipyard Phase II EIR
BAYVIEW HUNTERS POINT- AREA C SURVEY AREA

Response to Comment 50-6

The text of Proposition G is provided in its entirety in Appendix B of the Draft EIR. Further, a specific reference to Appendix B is provided on pages ES-2, I-5, II-5, III.B-7, and III.B-21 of the Draft EIR. The Navy is responsible for remediating the Shipyard. The process for the Navy and regulators to determine cleanup levels for the Shipyard and the status of that process is explained in Master Response 9 (Status of the CERCLA Process). The expected environmental condition of the Shipyard property after the Navy transfers it to the Agency is explained in Master Response 13 (Post-Transfer Shipyard Cleanup).

Response to Comment 50-7

According to Section 15381 of the CEQA Guidelines:

“Responsible Agency” means a public agency which proposes to carry out or approve a project, for which lead agency is preparing or has prepared an EIR or negative declaration. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the lead agency which have discretionary approval power over the project.

The potential responsible agencies include, but are not necessarily limited to, those identified in Table ES-1 on page ES-4 of the Draft EIR and in Table II-16 on page II-80 of the Draft EIR.

Response to Comment 50-8

Refer to Response to Comment 47-14 about the 49ers stadium as a Project Objective. One of the Project Objectives, as stated in Proposition G, is to “encourage the 49ers—an important source of civic pride—to remain in San Francisco by providing a world-class site for a new waterfront stadium and necessary infrastructure.” However, development of an NFL stadium is not the City’s or Agency’s decision, and is a business decision of the NFL.

The information within the Draft EIR regarding the parameters (size, access, parking) and design of the 49ers stadium has been developed by the 49ers and NFL to enable consideration of this ongoing possibility.

With regard to the financing of the stadium and financing of the EIR analysis of a stadium, this is not a question on the adequacy of the EIR. For information about financing of the Project and stadium, refer to the San Francisco Office of Economic and Workforce Development website at <http://sfgov.org/site/frame.asp?u=http://www.oewd.org>, which includes links to the Project and Project documents including a Financing Plan and Transaction Structure.

Response to Comment 50-9

In response to the comment, the note in Table II-1 (Project Site Area), Draft EIR page II-1, has been revised as follows:

Candlestick Point includes the approximately 120.2-acre Candlestick Point State Recreation Area.

Response to Comment 50-10

Figure II-1 shows the location of the Candlestick Point–Hunters Point Shipyard Phase II Project, as that is the Project evaluated in this EIR. No change is necessary.

Response to Comment 50-11

In response to the comment, Figure II-2 (Project Site and Context) has been revised to indicate the boundaries of the CPSRA and of Area C, and to clarify the boundaries of HPS Phase I. Note that Figure III.A-1 (Cumulative Development in the Project Vicinity) of the Draft EIR indicates the boundaries of Area C as well as HPS Phase I. Figure III.A-1 has been revised in Section F (Draft EIR Revisions) to include the Yosemite Slough Restoration Project.

Response to Comment 50-12

Refer to Response to Comment 43-2 for information regarding the relative timing of this Draft EIR compared to the BTIP Draft EIR, which is currently being prepared and is as yet unpublished.

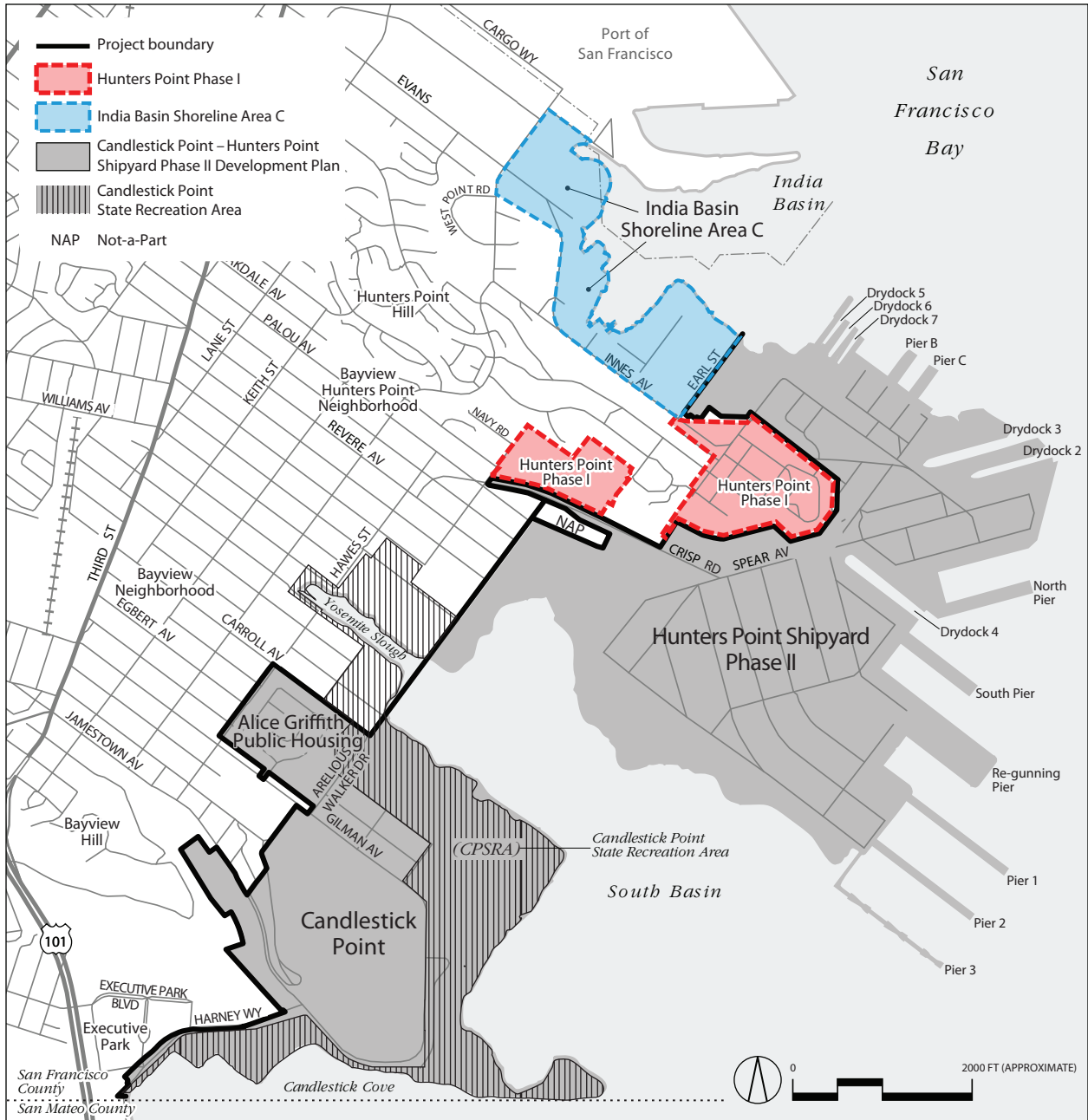
As indicated in Response to Comment 43-2, the objectives of the BTIP were considered in developing the transportation circulation network for the CP-HPS Phase II Development Plan, and the CP-HPS Phase II roadway cross-sections incorporate and expand upon the proposed BTIP improvements to meet the needs of the proposed mixed-use development at Candlestick Point and a new stadium at Hunters Point Shipyard. Therefore, the BTIP was included in the CPHPS Draft EIR in the cumulative analysis as a reasonably foreseeable project. However, because of the timing, some of the previously completed BTIP environmental studies were no longer considered relevant or consistent with the latest cumulative analyses in the area. For example, the transportation analysis conducted for BTIP did not assume the proposed CP-HPS Phase II development, and therefore the BTIP roadway improvements, future year traffic volumes, and operational analyses no longer represent an accurate assessment of the cumulative conditions in the area. Consequently, BTIP is now revising/updating certain technical studies (transportation, air quality, and noise) to reflect the newest updated information available from this Draft EIR, so that the cumulative analyses are consistent and so that public and decision makers do not have conflicting descriptions of improvements and analysis results.

Response to Comment 50-13

Refer to Response to Comment 22-3, which identifies the income requirements for affordable housing provided as part of the Project. With regard to what other development in the City is providing relative to affordable housing need, that question is outside the purview of this EIR.

Section III.C (Population, Housing, and Employment) of the Draft EIR defines market rate housing and identifies the housing need by income level for San Francisco. Page III.C-5 of the Draft EIR states:

... Based on a US Department of Housing and Urban Development (HUD) formula, San Francisco's Area Median Income (AMI) in 2006 was estimated to be approximately \$77,450 for a two-person household and approximately \$87,100 for a three-person household.⁷⁴ San Francisco is estimated to have the income level distribution shown in Table III.C-3 (San Francisco Income Distribution).



SOURCE: San Francisco Redevelopment Agency, Lennar Urban, 2009; PBS&J, 2010.

PBS&J 04.19.10 02056 | JCS | 10

FIGURE II-2



Candlestick Point — Hunters Point Shipyard Phase II EIR
PROJECT SITE AND CONTEXT

Table III.C-3 San Francisco Income Distribution		
<i>Income Group</i>	<i>Income Level</i>	<i>Income Range^a</i>
Very low	≤ 50% of AMI	≤ \$38,725
Low	50–80% of AMI	\$38,725–\$61,960
Moderate	80–120% of AMI	\$61,960–\$92,940
Above Moderate	> 120% of AMI	> \$92,940

SOURCES: City of San Francisco, General Plan Housing Element, 2004; City and County of San Francisco, Mayor’s Office of Housing, *Income Limits and Sales Price Levels for MOH Homeownership Programs*. http://www.sfgov.org/site/moh_page.asp?id=62375 (accessed August 27, 2009).

a. Based on San Francisco’s AMI in 2006 of \$77,450 for a two-person household.

Page III.C-6 of the Draft EIR states:

The distribution of future housing units needed by income level in San Francisco during the 2007–2014 period is shown in Table III.C-4 (San Francisco Housing Need, 2007–2014), below.

Table III.C-4 San Francisco Housing Need, 2007–2014	
<i>Income Group</i>	<i>Number of Units</i>
Very low	6,589
Low	5,535
Moderate	6,754
Above moderate	12,315
Total	31,193

SOURCE: ABAG, *San Francisco Bay Area Housing Needs Plan, 2007 to 2014*, 2008.

As stated on page III.C-6 in Section III.C (Population, Employment, and Housing) of the Draft EIR:

Although market conditions affect the City’s ability to meet the RHNA targets, the City facilitates the development of housing by providing regulatory incentives for private housing developers. If the RHNA targets are not met, the resulting competition for the limited housing supply drives the price of housing up, making it less affordable to working families. The City did not meet its RHNA targets for the 1999–2006 period. However, over 17,470 new housing units, or almost 86 percent of the housing production targets, were met.⁷⁶ During this time, the City met approximately 83 percent of its Very Low Income housing goals, 52 percent of its Low Income goals, 13 percent of its Moderate Income goals, and 153 percent of its Above Moderate Income (market-rate) housing goals.

Response to Comment 50-14

Under Proposition G, San Francisco voters expressly adopted a City policy encouraging the 49ers to remain in San Francisco by offering the 49ers a world-class site for a new stadium on the Shipyard, together with supporting infrastructure, on certain specified terms and conditions, including that the Project and the Project Applicant, and not the City’s General Fund, should bear the financial burden of providing \$100,000,000 towards the costs of constructing the stadium and for providing stadium related infrastructure.

Consistent with Proposition G, the Project has been designed to provide the 49ers with a suitable site for a world-class waterfront stadium on the Shipyard, as well as all of the necessary parking and transportation improvements and \$100,000,000 from the Developer towards the construction of the stadium itself. At the same time, Proposition G provided that the City's primary goal is to assure that the Project will deliver jobs, affordable housing, parks and public open space and the other enumerated public benefits. Thus, consistent with Proposition G, the Project is designed with both a stadium and non-stadium option so that the Project and attendant public benefits may go forward with or without the 49ers.

Even if the 49ers are successful in obtaining voter approval of a stadium plan in Santa Clara, it still makes sense for the Project to include a stadium. Because of significant uncertainties regarding the financial feasibility of the new stadium in Santa Clara, it will likely take a number of years before the actual location of a new 49ers stadium is finally determined.

Response to Comment 50-15

Refer to Responses to Comments 1-1 and 85-5 for a discussion of the adequacy of the public comment period, including the many opportunities for providing comments on the Draft EIR.

Response to Comment 50-16

Refer to Response to Comment 50-3 regarding revisions made to figures in the Draft EIR. Section III.D (Transportation and Circulation) provides the names of the majority of roadways in the Project site and vicinity on all or most of its figures. It is not necessary to provide street maps for every graphic—the information is provided at a level of detail appropriate to the topic.

Response to Comment 50-17

Yosemite Slough bridge has a proposed width of approximately 81 feet (page II-38), which is difficult to show at the scale of map used in most of the Draft EIR figures. Appendix N2 (MACTEC, Yosemite Slough Bridge Drawings—Stadium and Non-Stadium Options) of the Draft EIR provides a cross-section of both the stadium and non-stadium dimensions of the Yosemite Slough bridge. The “black line” across the slough is meant to indicate an enclosed area that traverses the slough and connects Candlestick Point to Hunters Point Shipyard.

Response to Comment 50-18

In response to the comment, Figure II-5 (Proposed Maximum Building Heights), page II-12, has been revised to indicate major roadways, including Crisp Road.



SOURCE: Lennar Urban, 2010.

PB5&J 04.09.10 02056 | JCS | 10

Candlestick Point — Hunters Point Shipyard Phase II EIR
PROPOSED MAXIMUM BUILDING HEIGHTS

FIGURE II-5

Response to Comment 50-19

Refer to Response to Comment 43-12 regarding transit access to neighborhood-serving retail spaces. Although a grocery store is not specifically proposed, it is possible that a grocery store would locate on the site as part of the neighborhood retail. The neighborhood retail proposed as part of the Project would be connected to the existing Bayview Hunters Point neighborhood through extension of the existing street grid, construction of new streets, and extension of numerous transit lines into the Project site. As indicated on Draft EIR page II-43, all commercial parking facilities would be paid parking facilities. This would include any parking developed for grocery store use.

Response to Comment 50-20

The type of hotel envisioned at the Project site is limited service category similar to a Hilton Garden Inn or Marriott Courtyard. Note that the comment is not a direct comment on environmental issues or the content or adequacy of the Draft EIR.

Response to Comment 50-21

As identified in Response to Comment 50-8, the size, access, parking, as well as other design features of the 49ers stadium have been developed by the 49ers and NFL. The proposed stadium analysis reflects the experience of the current stadium with regard to existing conditions (capacity, occupancy, traffic), as well as a review of stadiums and similar-sized facilities inside and outside the United States. The Project includes construction of a new 49ers stadium; it is unlikely that a stadium would be built without the support and participation of the NFL and 49ers.

A special event, such as a Super Bowl or if San Francisco were to be selected to host a future Olympic Game, would require the expansion of the proposed stadium to 80,000-person capacity. This is not the Project. The associated venue modifications (to 80,000-person capacity) and their configuration, along with regional transportation improvements and overall arrangement of the event, would require extensive planning, analysis, and approvals, all of which are beyond the scope of the Draft EIR.

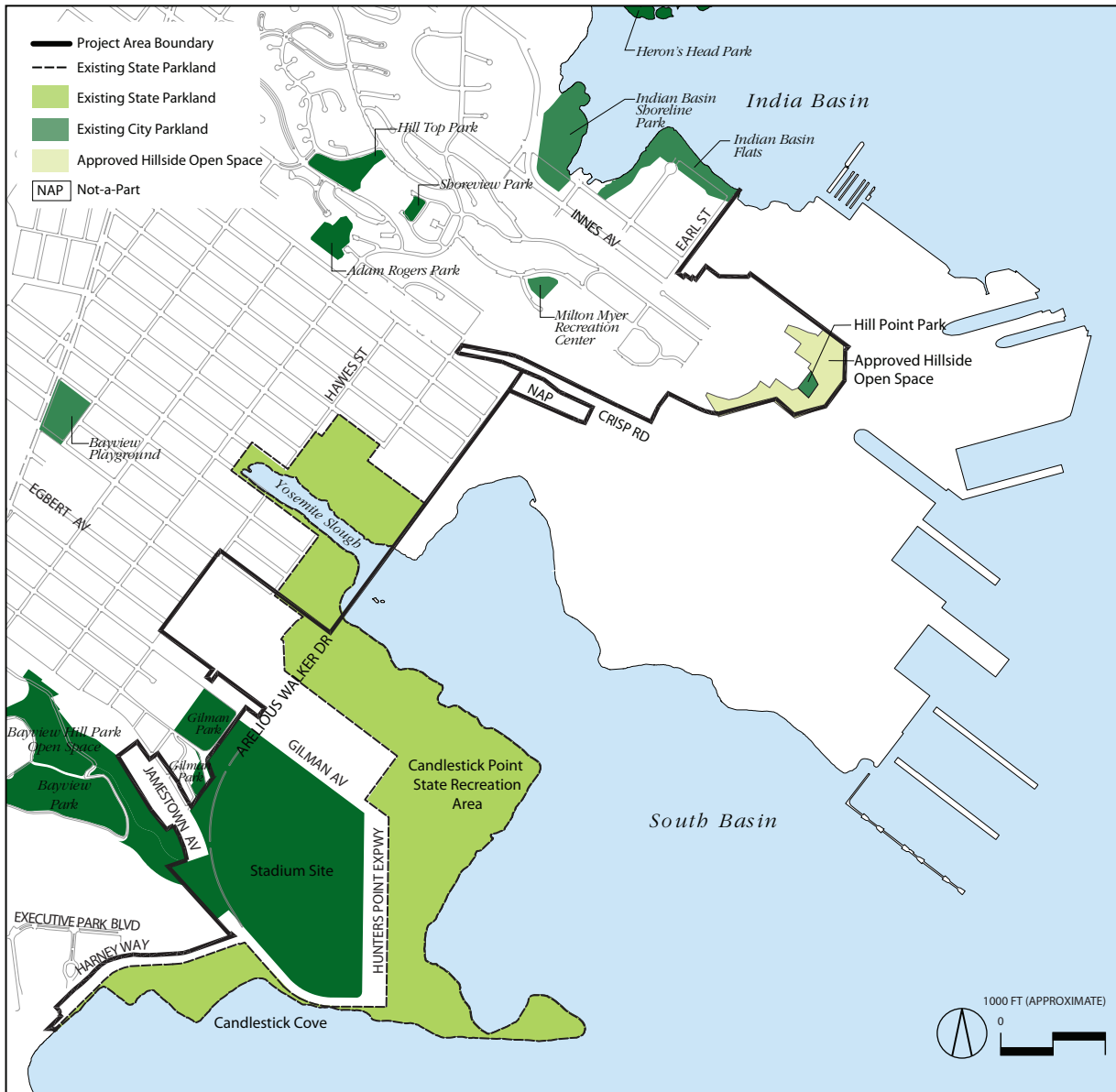
Response to Comment 50-22

In response to the comment, Chapter II (Project Description), Draft EIR page II-24, fifth paragraph, second sentence, in has been revised as follows:

... Table II-7 (Candlestick Point Proposed State Parks Reconfiguration) presents the proposed acreage of the areas proposed to be added to or removed from the Park, as ~~required~~ identified by Senate Bill 792 (SB 792). ...

Response to Comment 50-23

Figure II-8 (Existing and Approved Parks and Open Space), Draft EIR page II-26; Figure II-10 (Proposed CPSRA Reconfiguration), page II-29; Figure III.P-1 (Existing and Approved Parks and Open Space), page III.P-3; and Figure III.P-3 (Proposed CPSRA Reconfiguration), page III.P-18, include labels that identify existing state and city parkland. In addition, one label identifies hillside open space. This

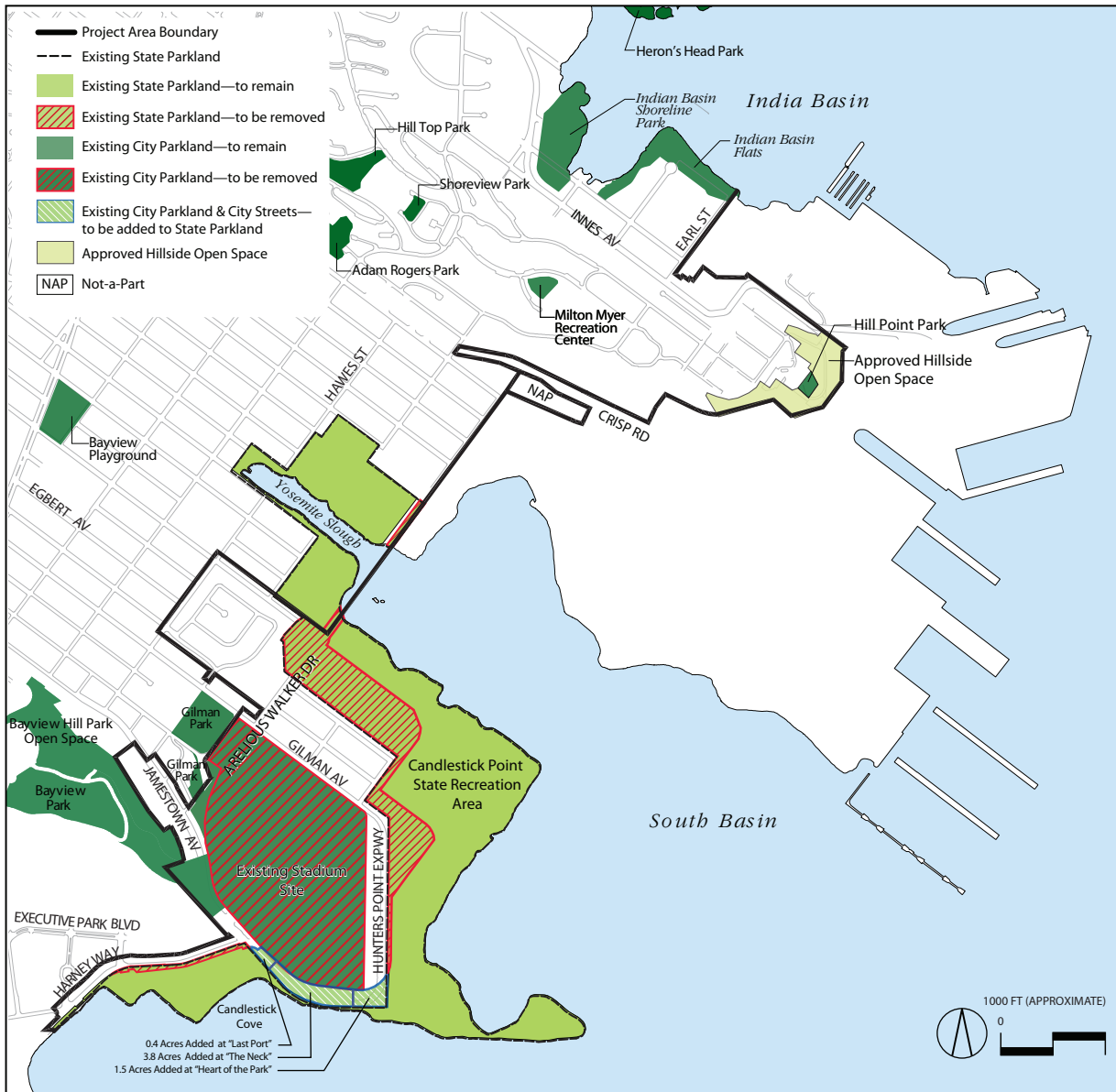


SOURCE: Lennar Urban, RHAA, 2009; PBS&J, 2010.

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Candlestick Point — Hunters Point Shipyard Phase II EIR
EXISTING AND APPROVED PARKS AND OPEN SPACE

FIGURE II-8

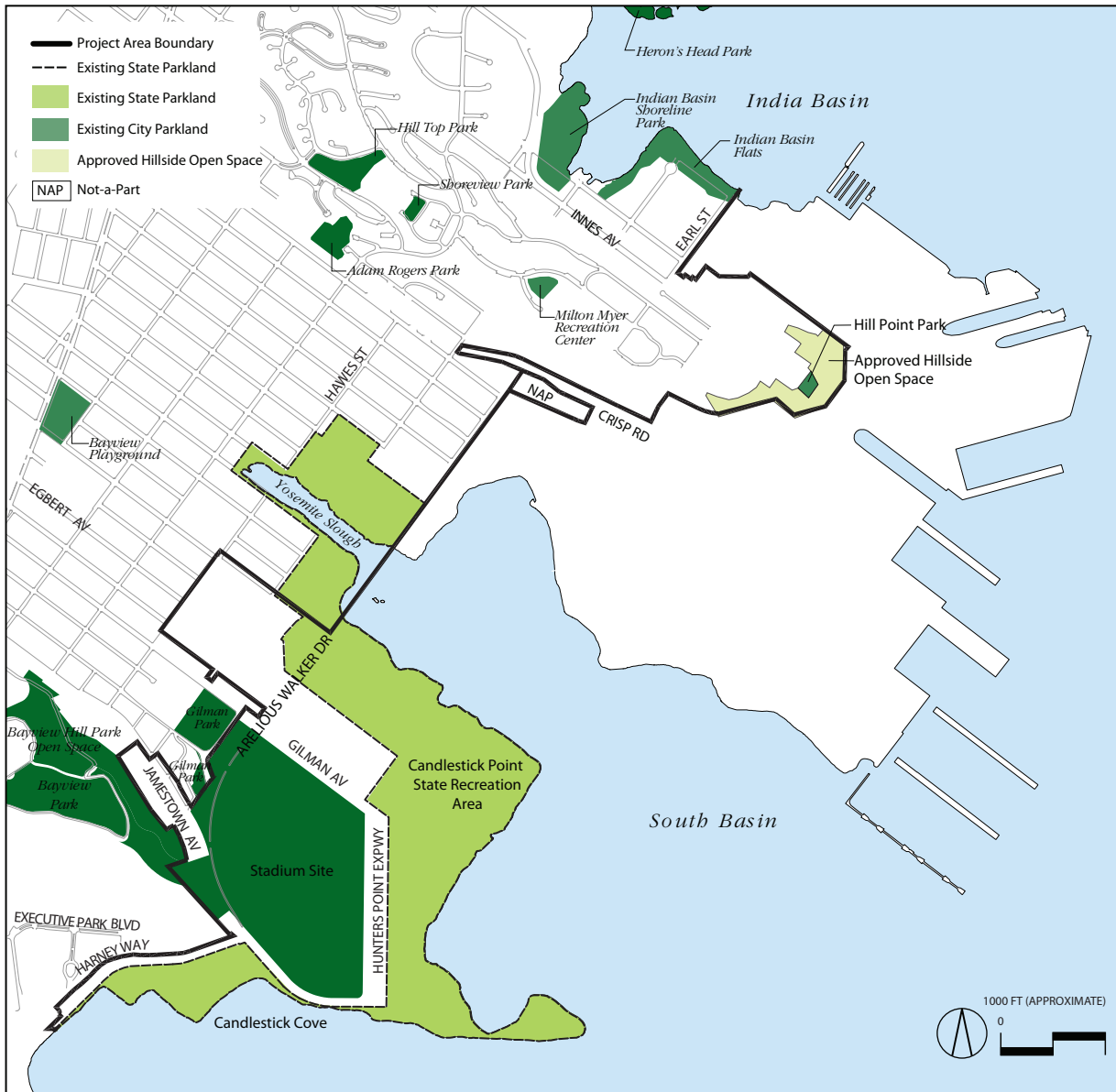


SOURCE: Lennar Urban, RHAA, 2009; PBS&J 2010.

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Candlestick Point — Hunters Point Shipyard Phase II EIR
PROPOSED CPSRA RECONFIGURATION

FIGURE II-10



SOURCE: Lennar Urban, RHAA, 2009; PBS&J, 2010.

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Candlestick Point — Hunters Point Shipyard Phase II EIR
EXISTING AND APPROVED PARKS AND OPEN SPACE

FIGURE III.P-1



SOURCE: Lennar Urban, RHAA, 2009; PBS&J 2010.

PBS&J 04.16.10 02056 | JCS | 10

Candlestick Point — Hunters Point Shipyard Phase II EIR
PROPOSED CPSRA RECONFIGURATION



FIGURE III.P-3

open space is approved and not yet completed. In response to this comment, Figure II-8 has been revised to indicate “Approved Hillside Open Space.” In addition, the boundaries of Bayview Park near Candlestick Stadium have been revised on Figures II-8 and II-10.

Response to Comment 50-24

Page II-28 of the Draft EIR describes the current approved plans for the CPSRA, and also describes the Project changes to the CPSRA. All changes to the CPSRA would be done as part of the Project. In response to this comment, the second paragraph on page II-28 has been revised:

Consistent with the current CPSRA General Plan and the CDPR mission, after Project development, the CPSRA would primarily contain areas of passive uses and minimal formal landscaping. The portion of the park that is currently undeveloped or used for Candlestick Park stadium parking would be substantially improved as part of the Project to enhance overall park aesthetics and landscape ecology; reconnect visitors to the bay shoreline; and provide direct access to the bay for swimming, fishing, kayaking, and windsurfing. Proposed Project improvements include revegetation and landscaping, shoreline restoration and stabilization, infrastructure improvements (such as trails, pathways, and visitor facilities), a biofiltration pond to cleanse stormwater, the provision of habitat and opportunities for environmental education, ‘Eco-Gardens,’ and salt-marsh restoration. ...

Refer also to text on pages III.P-17 through -25, which describes each of the Project changes to the CPSRA and includes photographs of the existing areas that would be modified.

Response to Comment 50-25

Figure II-10 (Proposed CPSRA Reconfiguration), Draft EIR page II-29, identifies the areas proposed to be added to, and removed from, existing city parkland and existing state parkland. The reconfiguration would include loss of some state parkland on either side of Yosemite Slough where a bridge would be built (this is the area shown in red crosshatching). This would also apply to some roadway frontage at Harney Way. Figure III.P-8, page III.P-24, also shows the proposed added and removed areas. Pages III.P-19 through -25 describe and illustrate those changes for each area. Page III.P-19, second paragraph, of the Draft EIR states:

Figure III.P-4 (Photographs of Existing CPSRA—Areas 1 and 2) through Figure III.P-7 (Photographs of Existing CPSRA—Areas 7 and 8) provide a representative photograph of each of the eight designated areas within the CPSRA that are described below (and illustrated by Figure III.P-2). Figure III.P-8 (Aerial View of CPSRA within the Project Site [Excluding the Yosemite Slough]) shows the existing unimproved and improved areas of the CPSRA and indicates where land would be removed or added relative to the existing CPSRA uses.

Figure II-10 has been revised and presented in Response to Comment 50-23 to correct the legend and clarify the park boundaries around the stadium site.

Response to Comment 50-26

Refer to Master Response 8 (Sea Level Rise) for a discussion of sea level rise effects on the potential movement of hazardous materials throughout the Project site, including parks areas, as well as mitigation measures that are designed to address those potential effects; potential effects of sea level rise on capped areas; and adaptive management strategies to address sea level rise that could include increasing open space by creating cobblestone beaches or tidal marshes to limit wave run-up.

Response to Comment 50-27

Figure II-12 (Proposed Roadway Improvements) in the Draft EIR has been revised to be consistent with Figure 4 (Proposed Roadway Network Improvements) in the Transportation Study (provided as Appendix D of the Draft EIR). The revised figure is presented in Response to Comment 7-1. Figure II-12 presents roadway improvements. The Project includes a new roadway network within the project boundaries, as well as improvements on location streets serving the Project vicinity. Specifically, roadway improvements would be made on the following streets connecting the Project site with Third Street:

- Innes Avenue / Hunters Point Boulevard (Project Boundary to Evans Avenue)
- Palou Avenue (Project Boundary to Third Street)
- Gilman Avenue (Project Boundary to Third Street)
- Ingerson Avenue (Project Boundary to Third Street)
- Jamestown Avenue (Project Boundary to Redondo Street)
- Harney Way (Project Boundary to US-101)

Improvements do not all consist of vehicular capacity increases, however, as discussed on Draft EIR pages III.D-40 to -48; improvements also include implementation of transit preferential treatments, improved streetscape amenities, and new bicycle facilities. Transportation impacts associated with on-site and off-site improvement are described in Impact TR-1, Draft EIR pages III.D-67 to -70.

Response to Comment 50-28

Refer to Master Response 18 (Transit Mitigation Measures) for a discussion of proposed changes to the roadway network and mitigation measures intended to reduce transit delays. SFMTA will be asked to approve transit service changes as envisioned in the Project transit service plan.

Draft EIR Figure III.D-13 (Stadium Game Day Traffic Control Plan), page III.D-128, presents the game day traffic control plan, including the intersections under traffic control officer or signal control during game days. Figure III.D-13 has been revised in Response to Comment 7-17 to reflect a transit-only lane along Harney Way to Bayshore Boulevard.

Response to Comment 50-29

Pages II-50 through II-53 of the Draft EIR describe the proposed site preparation schedule. Figure II-16 (Proposed Site Preparation Schedule), Draft EIR page II-51, provides an additional resource to differentiate the site preparation schedule across the Project site, while Figure II-17 (Proposed Building and Parks Construction Schedule), Draft EIR page II-52, illustrates the relative timing of parks and buildings construction across the Project site. With the description in hand, it is relatively easy to differentiate among the yellow, beige, pink and green legend colors. Similarly, the off-site improvements are labeled in blue, green, and yellow on off-site roadways.

As described in Section B (Project Refinements), the development schedule has been updated to reflect that site preparation activities would begin 1 to 2 years later than originally planned, and the completion of building construction would be extended from 2029 to 2031, with full occupancy by 2032. Refer to Section F (Draft EIR Revisions) for the updated text and revisions to Figure II-16 and Figure II-17.

Response to Comment 50-30

Section III.A (Introduction to the Environmental Analysis), and Figure III.A-1, page III.A-8, of the Draft EIR identifies Hunters Point Shipyard Phase I as a Project included within the cumulative analysis. Construction of Phase I is underway. Figure III.A-1 has been revised in Section F (Draft EIR Revisions) to include the Yosemite Slough Restoration Project.

Response to Comment 50-31

As stated in Section III.K on page III.K-15 of the draft EIR, the *Final Amended Parcel B Record of Decision* (ROD), dated January 14 2009, is on file for public review at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor as part of File No. ER06.05.07, or at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, CA, 94103 as part of File No. 2007.0946E. The Navy provides all of its documents to repositories at the following San Francisco Public Libraries: Main Library Government Information Center, 5th Floor, 100 Larkin Street, San Francisco, CA 94102, (415) 557-4500 and the Bayview Anna E. Waden Branch Library, 5075 Third Street, San Francisco, CA 94124, (415) 355-5757.

Response to Comment 50-32

Refer to Master Response 8 (Sea Level Rise) for a discussion of sea level rise effects on movement or exposure to hazardous materials and mitigation measures.

Response to Comment 50-33

In response to this comment and Comment 50-4, Figure C&R-14 (Hunters Point Shipyard Navy Parcel Overlay on Project Land Use Plan) provides an overlay of the Navy parcels on the Project land uses. (Note that for the variants, the figure would be much the same except for those uses included within the stadium footprint.) Refer to Master Response 8 (Sea Level Rise), “Other Sea Level Rise-Related Issues” section, regarding hazards from the interaction of sea level rise with fill material.

Response to Comment 50-34

While a market analysis for the R&D has not been done, the applicant believes that tenants most suited for the Project site would include campus-sized operations in the range of the 43- to 160-acre campuses proposed for Yahoo and Genentech, respectively. These could include a variety of high technology uses, such as those that comprise the dynamic technology sector. Draft EIR page II-14, first bullet, states:

- **Research and Development:** Hunters Point Shipyard Phase II would be the site of up to 2,500,000 gsf of a possible wide range of office, laboratory, and light industrial uses including, but not limited to, emerging industries and technologies such as green technology and biotechnology...

Response to Comment 50-35

The EIR is not required to include a schedule of project approvals, and rather includes a list of anticipated project approvals in Table ES-1 (Major Project Approvals), pages ES-4 through ES-6, and in Table II-16, pages II-80 through II-82.

Response to Comment 50-36

In response to the comment, Figure III.B-1, page III.B-3, of the Draft EIR has switched the label colors between Residential and Commercial/Industrial. The text in this section is correct regarding these land uses. Refer to Response to Comment 5-2 for the revised figure.

Response to Comment 50-37

Refer to Figure C&R-14, which provides an overlay of the Navy parcels on the Project land uses.

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■ **Letter 51: Simms, Robert (1/12/10)**

1 of 2

Robert W. Simms
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San Francisco, California 94124
Tel: (415) 970-0857
Email: rsimms@citiscapesf.com

Letter 51

January 12, 2010

VIA FACSIMILE: (415) 749-2524

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San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 224
San Francisco, CA 94102

San Francisco Redevelopment Agency
One South Van Ness Avenue, 5th Floor
San Francisco, California 94103

Re: DEIR – Yosemite Slough Bridge

Dear Gentilepersons,

This letter shall serve as a formal comment to the Draft Environmental Impact Report for the Hunters Point Shipyard Phase II. I have personally lived in the Bayview Hunters Point community since 1980.

51-1
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1

2 of 2

Re: DEIR – Yosemite Slough Bridge
January 12, 2010
Page two

For the most part I am excited about this project and was very supportive of Proposition G. In fact, I am one of the original signers of Proposition G. I have attended countless meetings on this project, so I was excited to learn that the DEIR was released. I see the release of the DEIR as a significant step towards the original vision of Proposition G.

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51-1
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It is, however, my feeling that the proposed bridge should be open to not only pedestrians and bikers, but to vehicles as well. This bridge would connect an underserved portion of the Bayview Hunter's Point community to the thriving Mission Bay corridor. The impact of this multi-faceted bridge would be similar to the impact that the T-line has had on the Bayview corridor and the City as a whole.

I live here, and I want it on the record that the bridge makes sense only if its use is made available for vehicles, pedestrians, and bikers. Limiting the bridge for public transit, pedestrians and bikers only would be a grave mistake and an insult to the Bayview Hunters Point community as well as to the citizens of the City of San Francisco.

51-2

As a longtime resident and homeowner of the Bayview Hunter's Point community, I support a bridge being built over Yosemite Slough. In fact, I see this bridge and its multi-use as a necessity that should not be overlooked!

Sincerely,



Robert Simms

■ Letter 51: Simms, Robert (1/12/10)

Response to Comment 51-1

This comment contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 51-2

The commenter's support for the Yosemite Slough bridge and preference that the bridge be made available for vehicular use year round is noted. Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for a discussion of the purpose and benefit of the proposed bridge. Refer to Response to Comment 17-1, which describes that the Board of Supervisors will legislatively require that the bridge be closed to autos except on football game days by designating the bridge as a public right-of-way for transit only, except as specified. The Infrastructure Plan, which the Board will approve, will require a bridge design that controls access. Only the Board, after completion of any required additional environmental review could change the designation, but no such other designation is contemplated by the Project.

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■ Letter 52: People Organized to Win Employment Rights (1/12/10)

1 of 7

Letter 52

POWER (People Organized to Win Employment Rights)
4923 Third Street
San Francisco, CA 94124

January 12, 2010

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, Ste 400
San Francisco, CA 94102

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PLANNING DEPARTMENT
RECEPTION DESK

Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

POWER is a membership organization made up of low-income African American and Latino workers and families in San Francisco. Through community and electoral organizing, leadership development and movement building, POWER brings a human face to important policy debates, transforms individual lives and brings about broad-based policy change at the city, state and national levels. POWER's Bayview Organizing Project (BVOP) unites low-income residents and workers in Bayview Hunters Point to impact the decisions around affordable housing, living wage employment and environmental justice.

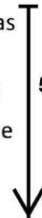
There are six core concerns that POWER has with the Candlestick Point-Hunters Point Shipyard Phase II Draft EIR:

1. Hazardous Materials and Contamination at the Shipyard
2. Liquefaction
3. Sea level Rise
4. Transportation
5. The Connection of the Development to the Existing Community
6. Preservation of Historic Ohlone Sites

Hazardous Materials and Contamination at the Shipyard

POWER has always maintained that the whole shipyard must be cleaned for unrestricted use as called for by Proposition P, passed by 87% of San Francisco voters. The EIR for this project is inadequate because it does not assess an alternative that would include cleaning the shipyard for unrestricted use. This analysis is even more urgent as it becomes increasingly clear that the 49ers will not be staying in San Francisco, and that non-stadium alternatives could include

52-1



2 of 7

residential uses for the shipyard. It will be necessary that the EIR fully assess the necessary mitigation measures in order to allow for unrestricted use, including the option of residential development at the Shipyard.

In late December 49ers owner Jed York said in an interview that the team is "completely focused" on a new stadium project in Santa Clara and that "any talk about fallback plans is secondary." Mr. York has also made it clear that those secondary plans do not involve the Hunters Point Shipyard, and that "[a]t this point, Oakland just makes more sense."

Given those statements it is strange that we are even debating a project plan that centers on a new football stadium. It is critical, therefore, that the EIR pay most attention to assessing the impacts of any alternative plans which could allow for residential development in the place of the stadium. It is clear that there will need to be a different approach to the environmental remediation if housing will be built instead of a football stadium, the EIR does not seem to address this. What are the necessary mitigation measures in order to get the Shipyard clean to unrestricted use?

Please provide an analysis of how the Shipyard will be cleaned for residential use. Clarify which parcels this housing will be built on and provide a clear map. Looking at the map it appears that the additional housing will be built on parcels D and E. Provide a chart of the specific chemicals of concern, toxins and hazardous material found in the soil and groundwater on these parcels and their effects on human health? What additional remediation steps will need to be taken to bring these parcels up to residential standards? How will this change the building schedule? How will the residents of the housing be informed of the hazards related to the housing? Will there be limitations of land use by residents of this housing? How will they be informed of such limitations? How will these be enforced? Will there be notices on all of the deeds? Are they going to give notices to all of the property owners in the surrounding area that will be recorded on the deeds? What will be done to maintain the caps and covers that protect residents from hazardous materials? Who will be in charge of maintaining caps and covers?

Liquefaction

Power is also concerned that this EIR downplays the real danger of liquefaction in the event of a major earthquake. III.L-15 states that "The Project site is in an area of San Francisco that has been designated as potentially liquefiable" and the 90% of the project is in a "Zone of Required Investigation for liquefaction potential." (III. L-18) Yet only one preliminary study has been completed on the potential impacts of liquefaction on this project, the Preliminary Geotechnical Report prepared by ENGEO for Lennar. This study concludes that more study will be necessary in order to make engineering decisions about foundations given the widespread possibility of liquefaction.

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cont'd.

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52-2

3 of 7

It is not only POWER who are concerned about the possible outcomes of liquefaction at this site, In January of 2009 Dr Thomas L. Holzer of the U.S. Geological Survey was quoted in the San Francisco Bay Guardian stating, "San Francisco has some soul searching to do. Is it worth it to fast track a project that has the potential to impact the city as a whole, should a major earthquake hit? Because then it would no longer be just about Bay view Hunters Point."

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Please address the following questions on liquefaction:

1) Page III.L-15 names 5 types of potential hazards caused by liquefaction. Concerns regarding the potential for cracks in the cap covering the toxic site are not one of them. Dr. Thomas L Holzer of the U.S. Geological Survey has stated if "the soil liquefies, the ground gets to slosh around, and because movement isn't always uniform, you can get cracks." Neither the EIR nor the Preliminary Geotechnical Report conducted by ENGEO for Lennar mention of the possible impact of an earthquake on the cap covering the development.

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What are the potential impacts of seismic shaking on the proposed caps and covers? What are the possible impacts of liquefaction on proposed caps and covers? If caps crack during earthquake toxins could be released in the development. What is the mitigation plan for this scenario? If liquefaction occurs in contaminated soil and the caps cracks, it is likely that contaminated ground water would push up through the cracks, what will be done to mitigate this impact?

Additionally, even if the cap doesn't break and the contaminated soil liquefies, groundwater will become pressurized and will flow into the bay. What is likelihood of this secondary effect of liquefaction? What steps will be taken to mitigate this outcome? What impact would this have on the water quality of the Bay? What impact will this have on wildlife?

2. III. L. 42 the mitigation plan for Liquefaction, Lateral Spreading and Settlement states that "over-excavation and replacement of unstable soil with engineering-compacted fill" will be necessary. What is not mentioned in the body of the EIR is the findings in Preliminary Geotechnical Report prepared by ENGEO for Lennar state that in areas where the soil is contaminated that this mitigation process will be much more complicated and less cost effective and other measures may have to be taken. The study states that:

"Another consideration in the selection of appropriate foundation system for new buildings is the potential to excavate and dispose of soil or groundwater that may contain hazardous materials. In addition, ground improvements such as surcharging or densification may temporarily raise groundwater levels, thereby influencing the movement of groundwater

4 of 7

contaminant plumes. In areas where hazardous materials are suspected, it may be more cost effective to use driven pile foundations, which generate less excavated soil... Selection of appropriate foundations types for specific building areas should be conducted in consultation with the environmental remediation team" (page 13-24)

Given the extent of hazardous materials in the soil, what is the specific plan to coordinate the environmental remediation and geological engineering teams? How will the soil be tested for contamination? Should it be necessary to excavate and compound soil in areas where the soil is contaminated, what are the environmental hazards related to this excavation? What are the plans to test the soil for toxic contamination and to dispose of this toxic soil? How will plans address the possibility of movements of contaminated groundwater and contaminant plumes?

3. Page II.L.15 states that mitigation plans related to liquefaction are addressed in mitigation plan MM GE-4. That is not the case. MM GE-4 relates to seismically induced ground shaking. Liquefaction is addressed in impact MM G-5a on page III.L-42. Reference is wrong.

Sea Level Rise

The most current research shows that the sea level predictions used through out this EIR are considerably lower than the current predictions. This project will take almost 20 years to be completed, if the data being used on to predict sea level rise is outdated before the project even begins we will be in serious trouble by the end of the project.

The recently released "Copenhagen Diagnosis," which updates the U.N.'s Intergovernmental Panel on Climate Change conservative estimates that "global sea-level rise may exceed 1 meter by 2100, with a rise of up to 2 meters considered an upper limit". A new study released by NASA put estimates considerably higher, at up to 5 meters.

It is important that the EIR confront the real risks associate with sea level rise using up to date information on this subject. As it is, the EIR does not even adequately respond to the 3 ft in 75 years it uses as its base line.

Please address the following concerns about Sea Level Rise:

1) III.M-14-16 overviews the risk for future flooding as related to sea level rise. It is stated here that the prediction for sea level rise in the Bay Area in 75 years is 3ft. On page III.M-56 it is stated that the plans for the perimeter at Hunters Point Shipyard will only accommodate a 16-inch sea level rise, therefore only protecting the shoreline for no more than the next 50 years (or for 30 years after the project is completed). Will this sacrifice the open space or parkland, which is being promoted as a selling feature of this project? Please account for long terms plans

52-3
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52-4

to address erosion of parkland. What will the effect of sea level rise be on the Bay Trail, which won't be completed until the end of this project?

2) III. M-103 states that because there is no impact of a 100-year flood on Candlestick Point because no structures will be in the flood plane. Structures are not the only things that will be impacted by sea level rise and flooding. This project is being sold as improving Candlestick State park, an incredible community asset. Several of our members currently walk the Park everyday. Please address the impact of sea level rise on the State Parkland. How many feet of parkland will be erode away in the next 75 years? What will happen to the newly built Bay Trail? The existing community is being sold an "improved" State Park, but it will only be the front yard for the new condominiums if the shoreline is not protected for the long term.

4) III.M-100 outlines the plans for grading the project site to accommodate rising sea level, but does not detail how this will be done. A huge amount of fill will be needed for such a large project. Where will this fill come from? How will it be moved safely? What assurances are there that fill will come from clean and safe sources?

5) Given the Parcel E and E-2, the most contaminated parcels on Hunters Point Shipyard, are along the shore, what specific remediation steps are being taken to address how this land will be affected by sea level rise? On parcel E-2 the Navy has "installed a groundwater containment and extraction system to reduce the potential for release of chemical constituents into the bay." (III.k-23) Will this mitigation process be affected by sea level rise? As sea level rises and more of parcel E-2 is integrated into the bay, will more chemicals be released into the Bay?

As it currently this EIR does not fully account for how the Candlestick Park and new parkland on Hunters Point will be protected for many generations to come of the greater Bayview community.

Transportation:

A major flaw of the EIR and the EIR comment process is that we have not yet seen the full plan for the transportation project associated with this project. The draft EIR for the transportation project should have been released concurrently with this draft EIR. It is impossible to know the full impact of the transportation section of this project with out seeing the full transportation proposal. Many of our members live on streets that will be negatively impacted by the changes in roadways and transportation. The transportation element of this project will have the most immediate impact of the existing community and a full EIR about this project needs to be made available before this DEIR is approved.

Please address the following concerns about transportation:

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Section V. C. states that there are over 25 areas where transportation and circulation would have significant environmental effects that “cannot be avoided if the project is implemented” Including an increase of congestion along Palou impacting and increasing the travel time of 3 major bus routes including the 23- Monterey 24- Divisadero and the 44 Oshaugnessy. This is a huge number of effects that will dramatically impact the residents of Bay view. Will these impacts disproportionately impact the existing community? With out the Transportation EIR How can you be certain these are all the impacts involving transit?

52-6
cont'd.

pg. II-39 "A. Extended bus routes and new bus routes. Existing Muni routes 24- Divisadero...would be extended to HPS Phase II" & pg. II-41 "E. Palou Avenue Transit Preferential Street. One Muni line (24-Divisadero) would be extended along Palou Avenue to serve HPS Transit Center. Transit-priority technology would be installed on Palou Avenue..." What exactly is "Transit-priority technology"? How will that impact drivers on that street? How would the 24 line be extended specifically considering that this line is currently an electric pole operating bus? Would the electrical lines be extended to the Shipyard? Given that the community recently paid to have all electric lines put underground, why would the city now plan to put wires up for the buses? Have the residents of Palou been informed of this plan and been give an opportunity to respond to this specifically.

v. II II.E.3 pg. II-34 Transportation Improvements

"Some of the transportation improvements would require property acquisition." Which specific improvements will require property acquisition? How many properties will be acquired? What is the total amount (in gsf) of property to be acquired? What specific properties will be acquired? Will any of this property be residential? Will any of these properties be local owned and businesses that currently provide jobs in the local community? How will this impact the existing community? Have the owners been notified that their property(s) are scheduled for acquisition under this plan?

6. Connection to existing community

II.E.1 The project calls for 885,000 gsf of retail development that would serve the neighborhood and the broader San Francisco community. The proposed uses of this retail space do not seem to be oriented to the existing Bayview community. For example, on page II-17, the places for the Candlestick Point Center “are anticipated to include entertainment uses such as a movie theater, and clubs with live music, restaurants, a hotel, and large format stores lined with smaller stores.” The amenities that the community in Bayview needs are grocery stores. Some of the planned uses in the EIR are very specific; there are no specific mentions of grocery stores. How will it be assured that the needs of the existing Bayview community will be served by new retail development? How will the needs of the existing community be assessed? How

52-7

will this retail be made accessible to the existing community, including making retail affordable for low income residents, making sure retail is located so it is easy for the existing community to get to including public transportation and free parking?

52-7
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II-43 states that all commercial parking facilities will be paid, "to discourage single-occupant automobile use". While it may be an environmental benefit to discourage the residents of the new development to use cars, the existing community will have to travel much further to access retail in the development. Low-income families do not need more impediments to accessing healthy food at grocery stores. Some free parking must be made available to serve the existing community.

II-48 outlines the Community Housing Fund that would assist qualifying residents in the purchase of market rate homes. Market rate is a term that applies to an incredibly wide range of housing prices. What is the price range expected to be for market rate homes? How does this compare to the needs of homebuyers in San Francisco? How does this compare to the housing needs of the existing Bayveiw neighborhood?

7. Preservation of Historic Ohlone Sites

According to California Senate Bill 18, passed in 2004, local Ohlone tribal members whose names are listed with the Native American Heritage Commission are to be included in the planning process of any such development. It now appears that none of the Ohlone representatives were contacted so that they could be involved in the planning process. The draft EIR states that there are at least 4 and probably 5 Ohlone village sites within the development boundaries and another 16 that are within one-quarter mile of the project. According to Ohlone representatives this is an important opportunity to work with the city to create an Ohlone Cultural Center and protect their historic sites, which may be 6,000 years old.

52-8

Please given thorough attention and response to each of the questions and concerns raised in this document.

Sincerely,

Jaron Browne, Alicia Garza, Steve Williams, Drew Christopher Joy, Karissa Cole, Juana Tello, Esselene Stancil, Emma Harris, Jesse Tello, Mishwa Lee, Ernest Stokes, Betty Higgins, Matt Fidanque, Marisol Ortiz- Melendrez, Albert Symon Sr, and Alice Fialkin.

POWER (People Organized to Win Employment Rights)

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■ Letter 52: People Organized to Win Employment Rights (1/12/10)

Response to Comment 52-1

Refer to Master Response 14 (Unrestricted Use Alternative) and Master Response 15 (Proposition P and the Precautionary Principle) for discussions of an unrestricted use alternative and Proposition P. The criteria used to determine cleanup levels are outlined in health risk assessments conducted as part of the Remedial Investigation (RI) step of the CERCLA process explained in Master Response 9 (Status of the CERCLA Process). The risk assessments and RI reports are approved by state and federal regulatory agencies. For a discussion of the contaminants on each parcel and the criteria used to determine safe levels of exposure, refer to the reports referenced in Section III.K.2 of the Draft EIR, which are available for public review at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor, as part of File No. ER06.05.07, or at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, CA 94103, as part of File No. 2007.0946E. For a discussion of residual contamination following cleanup, refer to Master Response 13 (Post-Transfer Shipyard Cleanup). Upon completion of the environmental cleanup, institutional controls will be implemented to address deed restrictions, public notification, and monitoring and maintenance of landfill caps. The Draft EIR outlines mitigation measures in Section III.K.4 to address potential hazardous materials impacts and the City's Article 31 ordinance creates a process for the Department of Public Health to enforce certain hazardous materials mitigation measures identified in the Draft EIR. Also refer to Master Response 16 (Notification Regarding Environmental Restriction and Other Cleanup Issues).

Response to Comment 52-2

Refer to Master Response 7 (Liquefaction), Impact GE-5, and mitigation measure MM GE-5a for a discussion on liquefaction hazards. It is acknowledged that large portions of the site are within a "Zone of Required Investigation for liquefaction potential." This is not unique to the project site: much of the Bay Area is within such zones. However, with appropriate engineering design and mitigation measures as proposed in Section III.L, it is possible to construct in these areas. Site-specific final design geotechnical studies will be performed to determine what engineering and construction measures need to be implemented to mitigate liquefaction potential if present. Refer also to Impacts GE-4 and GE-5, and mitigation measures MM GE-4a.1, MM GE-4a.2, MM GE-4a.3, and MM GE-5a of the Draft EIR for a discussion of seismic and liquefaction hazards.

Response to Comment 52-3

The comments address caps and covers and potential hazards related to earthquakes, liquefaction, movement of contaminant plumes, and the mitigation planning and implementation process. Refer to Master Response 6 (Seismic Hazards) about the interaction of hazardous materials and earthquakes; Master Response 7 (Liquefaction) about the interaction of hazardous materials and potential liquefaction; Master Response 8 (Sea Level Rise) about the interaction of hazardous materials and rising ground water table; Master Response 9 (Status of the CERCLA Process) about treatment of and mitigation for hazardous materials; Master Response 11 (Parcel E-2 Landfill) specifically about Parcel E-2; Master Response 12 (Naturally Occurring Asbestos) about asbestos treatment and mitigation; Master Response 13 (Post-Transfer Shipyard Cleanup) about the process once HPS has been transferred; and Master Response 16

(Notification Regarding Environmental Restrictions and Other Cleanup Issues) about other hazardous materials planning and mitigation information. Refer also to Impacts GE-4 and GE-5, and mitigation measures MM GE-4a.1, MM GE-4a.2, MM GE-4a.3, and MM GE-5a of the Draft EIR for a discussion of seismic and liquefaction hazards. Master Response 6 (Seismic Hazards) states:

Although residual chemicals may remain in soil after cleanup, the residual chemicals will be located under a physical barrier (e.g., soil cover, pavement, concrete building foundation) that prevents human exposure to these residual chemicals. It is also expected that Federal and State regulatory agencies will allow a group of naturally occurring metals associated with fill material derived from native bedrock to remain under a final cover in concentrations above risk levels. In this scenario, the cover will limit exposure and protect humans from long-term health risks even if breaches in the cover temporarily occur. Operation and maintenance plans for these covers will be carried out to periodically monitor and repair any breaches. Breach of the cover would be required to be repaired so that no long-term health risk would occur. Therefore, even if ground rupture were to occur, contaminants and naturally occurring metals would not be released at levels presenting a concern to human or ecological health.

In response to the comment, the text on Draft EIR page III.L-15, second paragraph, has been amended as shown:

... Design-level liquefaction studies, which are further described in mitigation measures ~~MM GE-4~~MM GE-5a, would address five general types of localized potential hazards, and provide treatment methods, including the following:

Response to Comment 52-4

Refer to Master Response 8 (Sea Level Rise) for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur.

The EIR recognizes that the science related to climate change and sea level rise rates will continue into the future; therefore, Project plans do not include a specific upper limit of sea level rise such as 16 inches or 36 inches or 55 inches. Rather a risk-based analysis was conducted, based on which development elevations, setbacks, and a Project-specific Adaptation Strategy was prepared for the Project. The Adaptation Strategy includes preparing an Adaptive Management Plan which outlines an institutional framework, monitoring triggers, a decision-making process, and an entity with taxing authority that would pay for infrastructure improvements necessary to adapt to higher than anticipated sea levels.

Furthermore, as discussed in Chapter II (Project Description) starting on page II-69 of the Draft EIR, the Project would use an adaptive management strategy for protecting the shoreline from future sea level rise. This includes designing the shoreline and public access improvement areas with a development setback so that higher than expected sea level rise could be accommodated should it occur. Table II-13 (Summary of Shoreline Improvements at the Project Site), Draft EIR pages II-57 and -58, identifies the types of shoreline improvements that would be implemented within the state park and other portions of the Project, as described in the Project's Shoreline Structures Assessment report. Figure II-22 (Flood Zones [With Project]), Draft EIR page II-72, shows the areas that would be protected from sea level rise with implementation of the proposed shoreline improvements. These protected areas include the proposed park lands, as well as the other Project areas proposed for development. In addition, mitigation measure MM HY-14 requires implementation of the shoreline protection measures included in the Project's

Proposed Shoreline Improvement Report. Implementation of the Project's proposed shoreline improvements, as described in the Project Description and as required by mitigation measure MM HY-14, would reduce potential sea level rise impacts associated with flooding to state parkland to a less-than-significant level.

Soil will be imported from approved sources and will meet the guidelines for construction fill as specified by local, regional, and state guidelines. The type and extent of testing specified by these permits and guidelines will be followed. Transportation will be by truck and/or barge. California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), has identified procedures to minimize the possibility of introducing contaminated soil onto a site that requires imported fill material. In addition, Amendments to San Francisco Health Code Article 31, to include all of Hunters Point Shipyard, will require the preparation of a Soil Importation Plan that describes the procedures to be used to ensure that imported soil does not exceed established thresholds.

Response to Comment 52-5

Refer to Master Response 8 (Sea Level Rise) for a discussion of sea level rise effects on movement or exposure to hazardous materials and mitigation measures. Also provided in Master Response 8 is a discussion of how Candlestick Point and Hunters Point Shipyard will be protected into the future from flooding.

Response to Comment 52-6

It is unclear whether the commenter is referring to the transportation improvements included as part of the CP-HPS Phase II Development Plan, or to the transportation improvements included as part of the BTIP EIR, which is currently being prepared and is as yet unpublished. The proposed transportation improvements included as part of the CP-HPS Phase II Development Plan, the Project's impacts to transportation, and mitigation measures to reduce severity of impacts, where feasible, were presented in Section III.D (Transportation and Circulation) of the Draft EIR. The Draft EIR analyzed impacts associated with both the land use program and the transportation plan for the Project. Additional detail regarding transportation-related changes associated with the Project was provided in the Project's Transportation Study, included as Appendix D of the Draft EIR. Refer to Response to Comment 43-2 for information regarding the relative timing of this Draft EIR compared to the BTIP Draft EIR, which is currently being prepared and is as yet unpublished. Response to Comment 43-2 also includes information regarding the BTIP project improvements and their relationship to the analysis of transportation improvements in the CP-HPS Phase II Development Plan.

The commenter notes that the Draft EIR identified significant impacts to transit routes 23-Monterey, 24-Divisadero, and the 44-O'Shaughnessy. The impacts and mitigation measures were identified and described in Impact TR-22 in the Draft EIR. Refer to Master Response 18 (Transit Mitigation Measures) for a discussion of proposed changes to the roadway network and mitigation measures intended to reduce transit delays. No additional response required.

The commenter also requests additional information regarding "transit priority technology." The Project would construct new traffic signals at intersections along Palou Avenue, between Third Street and the Project Boundary. These signals would be equipped with devices to anticipate arrivals of transit vehicles,

so that signal timings could be dynamically adjusted to improve the likelihood that transit vehicles get a “green” light. Similar systems have been deployed on other transit preferential streets in San Francisco, including Third Street and Mission Street. The effects to drivers at a given intersection are generally very minor; however, along an entire transit corridor, where the benefits are cumulative, the technology can provide substantial improvements to transit travel times and reliability.

As described in the Draft EIR in Impact TR-22 (pages III.D-106 through III.D-109), current plans call for the extension of overhead trolley wires along Palou Avenue into the Hunters Point Shipyard Transit Center. The current plans for extension of transit service into the Project site call for the 23-Monterey to be extended in the near-term because it would not require construction of overhead wires and would offer similar service to Third Street, where riders could transfer to the 24-Divisadero. The extension of the 24-Divisadero into the project site would occur later in the development process.

Finally, the commenter requests clarification of the statement in the Draft EIR that transportation improvements would require property acquisition. Refer to Responses to Comments 43-4 and 65-5 for a discussion of potential property acquisitions associated with construction and/or implementation of the Project.

Response to Comment 52-7

While these comments contain opinions, anecdotal, or general information and are not a direct comment on environmental issues or the content or adequacy of the Draft EIR, information from the Draft EIR has been referenced below. The comments will be forwarded to the decision makers for their consideration prior to approval or denial of the Project.

Neighborhood-serving retail (which includes grocery stores) and other services would be available and accessible to the larger Bayview community and also to the residents of Alice Griffith. Page II-16, second paragraph, of Chapter II (Project Description) of the Draft EIR states:

Existing 256 public housing units would be demolished on the existing SFHA site and 844 new homes would be constructed in their place along with neighborhood serving retail and services, open space and new streets. The 844 new homes would include a mix of market-rate, affordable and below-market rental and homeownership and public housing replacement units.

Figure II-4 (Proposed Land Use), page II-11, identifies the location of neighborhood-serving retail with a pink striped overlay.

Parking would be available for new retail services. Free parking would not be provided to residents. Page II-43 of the Draft EIR states:

...Commercial and visitor-serving land uses would be served by on- and off-street parking. All commercial parking facilities would be paid parking, with measures to discourage single-occupant automobile use, such as designation of preferred parking areas for bicycles, carpools, vanpools, and carshare vehicles. The performance venue/arena would share parking with proposed retail uses.

Section III.C (Population, Housing, and Employment) defines market rate housing and identifies the housing need by income level for San Francisco. Page III.C-5 of the Draft EIR states:

... Based on a US Department of Housing and Urban Development (HUD) formula, San Francisco’s Area Median Income (AMI) in 2006 was estimated to be approximately \$77,450 for a

two-person household and approximately \$87,100 for a three-person household.⁷⁴ San Francisco is estimated to have the income level distribution shown in Table III.C-3 (San Francisco Income Distribution).”

Table III.C-3 San Francisco Income Distribution		
<i>Income Group</i>	<i>Income Level</i>	<i>Income Range^a</i>
Very low	≤ 50% of AMI	≤ \$38,725
Low	50–80% of AMI	\$38,725–\$61,960
Moderate	80–120% of AMI	\$61,960–\$92,940
Above Moderate	> 120% of AMI	> \$92,940

SOURCES: City of San Francisco, General Plan Housing Element, 2004; City and County of San Francisco, Mayor's Office of Housing, *Income Limits and Sales Price Levels for MOH Homeownership Programs*. http://www.sfgov.org/site/moh_page.asp?id=62375 (accessed August 27, 2009).

a. Based on San Francisco's AMI in 2006 of \$77,450 for a two-person household.

Page III.C-6 of the Draft EIR states:

The distribution of future housing units needed by income level in San Francisco during the 2007–2014 period is shown in Table III.C-4 (San Francisco Housing Need, 2007–2014), below.

Table III.C-4 San Francisco Housing Need, 2007–2014	
<i>Income Group</i>	<i>Number of Units</i>
Very low	6,589
Low	5,535
Moderate	6,754
Above moderate	12,315
Total	31,193

SOURCE: ABAG, *San Francisco Bay Area Housing Needs Plan, 2007 to 2014*, 2008.

Response to Comment 52-8

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18.

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■ Letter 53: Stokes, Ernest (1/12/10)

1 of 2

Letter 53

Ernest Stokes
12 Bertha Lane
San Francisco CA 94214
January 12, 2010

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street Ste 400
San Francisco CA 94102

January 12, 2010

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Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

I am a resident of San Francisco and have lived in the Bayview for over thirty years. I am a member of the International Brotherhood of Electrical Workers I have been a member of this union since 1986 I started as a marine electrician working in shipyard at the waterfront. I have seen this neighborhood go through many changes but none as disastrous as the one that may take place if this DEIR is approved and this project goes forward.

Employment

"Peak construction employment would occur in 2016 and 2017 for Candlestick Point, with an average of 144 and a maximum of 169 workers on site in 2016 and an average of 136 and a maximum of 172 workers on site in 2017. Peak construction employment for HPS Phase II would occur in 2015 and 2016. During this time, an average of 275 workers and a maximum of 342 construction workers would be employed at HPS Phase II in 2015, and an average of 269 and maximum of 335 construction workers during 2016. A maximum of 504 construction workers would be expected to be working at the Project site at any given point during the construction period."

My local union local 6 IBEW has over 300 inside wiring men on the books of people who are currently unemployed and on the out of work list. The carpenter's local 22 has 300 journeyman and 83 apprentices on the out or work list. The Sheet workers have a total of 33% unemployed workers on their books. The ironworkers local 377 has 240 members out of work. The Glaziers union 178 has 100 members out of work. The painters union local 913 has 60 members on there out of work list. These unions alone account for over 1000 out of work members and this is not nearly an exhaustive list of all the unions in the city. The promised jobs will not put a dent in the need. The 504 jobs maximum this project has projected to create will not have a significant impact on the need for union jobs in San Francisco.

53-1

2 of 2

Of the 504 people to be employed through the project construction phase what is the requirement for them to be local Bayview residents. Who or what agency will oversee this? What work is being done with the unions whom have members who live in this area?

↑
53-1
cont'd.

Please provide an alternative plan that includes cleaning the shipyard to unrestricted use and lay out how many jobs will be available if the shipyard is fully cleaned to unrestricted use. How many more jobs will this add to the 504 figure that is projected for the project?

“Implementation of the Project would not increase the use of existing parks and recreational facilities that would cause the substantial physical deterioration of the facilities to occur or to be accelerated, nor would it result in the need for, new or physically altered park or recreational facilities. (Less than Significant with Mitigation) [Criterion P.a]”

↑
53-2

This mitigation measure does not address the real reason that the existing parks will not have increased use, which is because the existing park, Candlestick State Park, was taken from the community.

Transportation

How does the proposed plan effect commute times to and from the Bayview area? Please provide an estimate of the drive time from the project area to downtown San Francisco during peak commute hours. What is the impact on people currently living in Bayview?

↑
53-3

After reading the EIR it is clear to me that the impacts of this project on the existing community have not been fully addressed. While we have been promised new jobs and new parkland, the project plans and mitigation measures outlined in the EIR show that these selling points are an after thought and not thoroughly integrated part of the project. The lack of details on the impact of the transportation plans on the existing community needs to be addressed before this EIR is passed. We also need to be considering alternative plans that will provide more real jobs and a real clean up.

Sincerely,

Ernest Stokes

■ Letter 53: Stokes, Ernest (1/12/10)

Response to Comment 53-1

This comment primarily contains general or anecdotal information and is not a comment on the adequacy of the EIR. However, to provide a response, there is no requirement at this time to hire union workers for construction of the Project. However, as part of the Community Benefits Agreement, the Project Applicant will contribute to a workforce development fund that will be used for workforce development programs designed to create a gateway to career development for residents of the Bayview. This may or may not include interface with the local unions. With regard to a “full cleanup” of the Shipyard to unrestricted use, refer to Master Response 14 (Unrestricted Use Alternative).

Response to Comment 53-2

Refer to Response to Comment 47-28 for a discussion of the reconfiguration of CPSRA.

Response to Comment 53-3

According to the San Francisco County Transportation Authority (SFCTA) travel demand forecasting model, peak commute period auto travel times between the Bayview neighborhood and Downtown San Francisco would increase with implementation of the Project. Currently, travel times are approximately 20 minutes during the peak AM commute period. By year 2030, without the Project, travel times are expected to increase by about 5 percent (or about 1 minute), to 21 minutes. With the Project, year 2030 travel times from the Bayview neighborhood would increase by another minute, to approximately 22 minutes. Thus, by year 2030, with the Project and other cumulative development, travel times between the Bayview neighborhood and Downtown San Francisco are expected to increase by about 10 percent, half of which would be attributable to traffic added by the Project.

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■ Letter 54: Stancil, Esselene (1/12/10)

1 of 2

Letter 54

Esselene Stancil
2067 Palou Avenue
San Francisco, CA 94124

January 12, 2010

Bill Wycko
Environmental Review Office
Planning Department
1650 Mission Street, ste 400
San Francisco, CA 94102

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V. C.

As stated in section V. C. there are over 25 areas where transportation and circulation would have significant environmental effects that "cannot be avoided if the project is implemented" Including an increase of congestion along Palou impacting and increasing the travel time of 3 major bus routes including the 23- Monterey 24- Divisadero and the 44 Oshaugnessy.

54-1

My name is Esselene Stancil, and I have live at Palou Avenue and Selby, west of 3rd Street, and have lived here since 1965. Palou Street is a 2-lane thoroughfare for residents traveling to and from the neighborhood of Bayview. From Selby all the way to the entrance of the Shipyard on Griffin, Palou Avenue is a residential street. Many seniors in particular live on Palou Street, as well as many families with children and grandchildren.

Already under current traffic conditions, Palou Avenue is a very congested street. My family, including my children and grandchildren are often concerned for our safety when we need to cross the street where we live. There are dozens of children that walk up and down Palou all day long. There is a major Catholic Church, All Hallows (full name).

About four years ago, my husband, Ben Stancil was in a hit and run accident right across from where I live. Ben was standing by his car when a driver hit him and did not stop. His leg was broken in two places, and the paramedics said that they were surprised that he lived. Palou provides unique East West transportation, so people use this street as a freeway. Palou Avenue needs traffic calming it's entire length. I do not believe the addition of stop lights to Palou will be a sufficient midigation given the amount of new traffic and changes planned for the Palou corridor. We are still affected to this day by the impact of the devastating injuries that he sustained. Ben has a very hard time walking and cannot really leave the house at this point. We always have to make sure that someone from the family is at home with him throughout the day to help him take care of his basic needs.

2 of 2

The EIR for the proposed development at the Shipyard and Candlestick Park does not take into account the impact that all of the increased traffic congestion being proposed on the already over-congested residential Palou Avenue will have on the current residents who live on this street.

How will the safety and quality of life for Bayview residents who live along Palou Avenue be protected with the proposed increased traffic congestion on Palou Avenue?

You must provide maps and graphics that illustrate how Palou Avenue right-of-way (including sidewalks) is to be modified by this proposed development.

IID p III D-60

IID p III D-60 Of the EIR states Palou Avenue is a transit preferential street.

On game days Palou would be a “dedicated transit only street” to allow buses to proceed to the T third light rail line and points west and north with out mixing in congested pre and post game traffic.

How many hours during game days will Palou be a transit preferential street?

Why has the impact of this action for Palou street residents not been addressed? Would Palou close during concert events at the stadium?

All of the concerns about increased traffic congestion are even more exacerbated by the proposed Stadium at the Shipyard. On game days, we are already impacted by people driving out to Candlestick Park. If the Shipyard becomes the new stadium site, the heavily residential area from Palou and Selby to the Shipyard will be truly unbearable for families needing to come in and out and take care of our daily needs.

IV – 214, variant 5 is a shared stadium with the Oakland Raiders. In this alternative, 20 football games are proposed for this site. Under this alternative, from September to January every year, Bayview residents would be under siege and would not be able to functionally leave our homes.

↑
54-1
cont'd.

■ Letter 54: Stancil, Esselene (1/12/10)

Response to Comment 54-1

The Draft EIR does include an analysis of the potential impact associated with Project-related changes to Palou Street. Impact TR-34 specifically addresses the impacts associated with additional vehicle traffic and the improved streetscape amenities, including street trees and new traffic signals.

The discussion of transit preferential treatments on Palou Avenue generally refers to the improved transit amenities and service and the transit priority signals (refer to Response to Comment 52-6 regarding plans for extension of the 24-Divisadero and potential extension of overhead wires). These treatments are expected to be in place full-time, but are not expected to have negative effects to existing residents. The commenter may have also been referring to the game-day situation, in which Palou Avenue would be closed to through-traffic, except for transit vehicles. In this case, residents would still have access to their homes. These conditions would likely only be in place for approximately two hours prior to and two hours after games on football-game days only.

Mitigation measure MM TR-22 involves slight widening of Palou Avenue to accommodate one travel lane and one transit-only lane in each direction. On-street parking would be maintained on both sides of Palou Avenue and sidewalks would be 12 feet wide, which would be consistent with the City's Draft Better Streets Plan guidelines. Refer to Master Response 18 (Transit Mitigation Measures), which presents a detailed discussion and graphics of the Project's transit mitigation measures, including transit improvements on Palou Avenue (i.e., MM TR-22.1).

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■ Letter 55: Breast Cancer Action (1/12/10)

1 of 2

Letter 55

Alicia Harris
Breast Cancer Action
55 New Montgomery Street Suite 323
San Francisco, CA 94105

January 12, 2010

Bill Wycko
Environmental Review Officer
Planning Department
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Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

Breast Cancer Action (BCA) carries the voices of people affected by breast cancer to inspire and compel the changes necessary to end the breast cancer epidemic. Breast Cancer Action is committed to the precautionary principle of public health: First, do no harm. We work with other organizations to encourage the use of environmentally safe alternatives to ways of doing business that we know—or have reason to believe—are harmful.

BCA is concerned about several health related questions that are not adequately addressed in the Candlestick Point-Hunters Point Shipyard Phase II Draft EIR. It is well documented that Bayview Hunters Point has some of the highest Breast Cancer rates in the country, with particularly high rates among African American women and women under the age of 50. For all women in Bayview Hunters Point, breast cancer rates are higher than those of white women in the City. Rates of cervical cancer have also found to be double that of the City's average.

BCA is particularly concerned about the level to which the full cleanup of any carcinogenic materials currently found in the Hunters Point Shipyard will be fully cleaned and removed from the area before any development takes place.

We are aware from *Section III.K Hazards and Hazardous Materials Page III.K-14 – III.K-27*, that all Parcels B, C, D, D-1, D-2, UC-1, F, G, E, E-2, and the additional sub-parcels of parcel E are highly contaminated. Toxins that are currently in each of these parcels, that could be left in the ground under soil covers as far as we understand the EIR include:

- Volatile and Semi-Volatile Organic Compounds (VOCs and SVOCs), Total Petroleum Hydrocarbons (TPH), Beryllium, Vinyl Chloride, Arsenic, Polychlorinated biphenyls (PCBs), Cesium, Chromium, Carbon Tetrachloride, Chloroform, Naphthalene, Tetrachloroethane, Xylene, Methylene Chloride, Benzene, Cobalt, and Radium.

Many of these chemicals have been acknowledged by the Agency for Toxic Substances and Disease Registry as carcinogenic --- known to cause cancer in humans.

55-1

2 of 2

Please provide maps that show the various parcels over-laying the developments plans for the project and all project developments. It is unclear what parts of the development will be happen on which parcels. Distinguishing the parcels is crucial for understanding the environmental issues associated with different areas of the Shipyard.

55-2

Section III.K-15 states that “[t]he major components of the soil remedial actions are: excavating contaminated soil with off-site disposal, and covering with clean soil or other impervious surfaces such as pavement, concrete, or buildings;...continuing the removal of radiological contaminated building materials and soils; and implementation of Institutional Controls (ICs) to limit exposure to contaminated soil and groundwater by restricting specified land uses and activities on the parcel.”

55-3

What hazardous materials will remain in each parcel? Please provide a chart listing all remaining hazardous materials in each parcel. Where will the Project obtain the “clean soil” mentioned above, and how will the Project determine its safety? How will the proposed Institutional Controls (ICs) such as covers and caps be affected by possible earthquakes and liquefaction? Has the Project studied whether tectonic activity could breach these covers and caps, releasing hazardous materials? How will the Project guarantee reasonable protection of public safety on this issue?

Who will be notified throughout construction and after build-out is complete about the specific hazardous materials that will be left under the proposed cap? How will they be notified? Will there be notices on all of the deeds? Are they going to give notices to all of the property owners in the surrounding area that will be recorded on the deeds?

55-4

No alternative was considered in the preparation of this EIR that examined the full and complete cleanup of any carcinogenic materials before any development is allowed on that site.

55-5

The **precautionary principle** states that if an action or policy has suspected risk of causing harm to the public or to the environment, in the absence of a scientific consensus that harm would not ensue, the burden of proof falls on those who would advocate taking the action. We have already witnessed the tremendous harm that has resulted from a high concentration of toxic industries and carcinogenic materials in the largely African American, Latin@, Pacific Islander, Asian, and working class white families. The Hunters Point Shipyard is San Francisco’s only Superfund site and contains many extremely toxic and carcinogenic materials. We urge the Planning Department to more fully explain how the health of residents will be protected throughout the development process and over the life of the project itself.

55-6

Respectfully,

Alicia Harris
Breast Cancer Action

■ Letter 55: Breast Cancer Action (1/12/10)

Response to Comment 55-1

The criteria used to determine cleanup levels are outlined in health risk assessments conducted as part of the Remedial Investigation (RI) step of the CERCLA process explained in Master Response 9 (Status of the CERCLA Process). The risk assessments and Remedial Investigation (RI) reports are approved by state and federal regulatory agencies. For a discussion of the contaminants on each parcel and the criteria used to determine safe levels of exposure, refer to the reports referenced in Section III.K.2 of the Draft EIR, which are available for public review at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor, as part of File No. ER06.05.07, or at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, CA, 94103, as part of File No. 2007.0946E. For a discussion of residual contamination following cleanup, refer to Master Response 13 (Post-Transfer Shipyard Cleanup). Upon completion of the environmental cleanup, institutional controls will be implemented to address deed restrictions, public notification, and monitoring and maintenance of landfill caps. The Draft EIR outlines mitigation measures to address potential hazardous materials impacts and the City's Article 31 ordinance creates a process for the Department of Public Health (DPH) to enforce certain hazardous materials mitigation measures identified in the Draft EIR. Regarding the concern that toxins may remain beneath a cap at HPS, please note that a cover or cap is a physical barrier that eliminates the pathway between these chemicals and exposure to humans. Long-term monitoring and controls are in-place to ensure that the cap remains an effective barrier in the future.

Response to Comment 55-2

Refer to Response to Comment 50-4 regarding an HPS parcel overlay on the proposed land uses. An evaluation of the hazards associated with each area of the HPS is presented in Section III.K (Hazards and Hazardous Materials). Pages III.K-53 through -109 identify the hazards that could occur during construction, and pages III.K-110 through -124 identify operational and cumulative impacts that could occur.

Response to Comment 55-3

Refer to Response to Comment 55-1 regarding cleanup. The remediation work will be conducted following remedial action work plans or Risk Management Plans that have been approved by regulatory agencies and will outline the methods that will be used to minimize dust emissions. These plans will specify the details for "clean soil" to be used for backfilling. Presently, Article 31 regulations establish minimum criteria for soil importation plans applicable to Parcel A. The City anticipates it will amend Article 31 to apply its requirements to the HPS Phase II area, as discussed in Section III.K (refer to Section III.K.3, page III.K-38). As amended, Article 31 would provide similar minimum criteria for soil importation plans in Phase II. Also refer to Master Response 7 (Liquefaction) and Master Response 6 (Seismic Hazards). Refer to Impacts HZ-1a and HZ-2a and mitigation measures MM HZ-1b and MM HZ-2a.1 for further details.

Response to Comment 55-4

Refer to Master Response 9 (Status of the CERCLA Process) for a summary of the cleanup process. Land Use Control Remedial Designs approved by the regulatory agencies for each parcel will layout the inspection and reporting requirements for institutional controls and activity and land use restrictions. These restrictions will be recorded on the property deeds. In addition, a Covenant to Restrict Use of Property (CRUP) will be entered into by the Navy, the Agency, and the DTSC which will set forth protective provisions, covenants, restrictions, and conditions applicable to the property and binding on all subsequent owners, lessors, and occupants. The Draft EIR outlines mitigation measures in Section III.K.4 to address potential hazardous materials impacts and the City's Article 31 ordinance creates a process for the DPH to enforce certain hazardous materials mitigation measures identified in the Draft EIR, including confirming, prior to any development activity, that the development will be carried out in compliance with any applicable restrictions that apply to the property. For further details on notice requirements to be implemented, refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues).

Response to Comment 55-5

Refer to Master Response 9 (Status of the CERCLA Process), Master Response 10 (Pile Driving through Contaminated Soil), Master Response 11 (Parcel E-2 Landfill), Master Response 12 (Naturally Occurring Asbestos), Master Response 13 (Post-Transfer Shipyard Cleanup), Master Response 14 (Unrestricted Use Alternative), Master Response 15 (Proposition P and the Precautionary Principle), Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues), and Master Response 17 (Enforcement of Environmental Restrictions and Mitigation Measures) regarding cleanup of the HPS Phase II site to residential standards. Refer to Response to Comment 48-3 regarding the range of alternatives considered in the Draft EIR. As identified in Section III.K (Hazards and Hazardous Materials), each of the significant impacts of the Project are addressed by mitigation that reduces those impacts to less than significant. Requiring remediation of the Project site to below levels required by the existing regulatory regime, which requires remediation to protect public health and the environment in light of proposed future uses, was not identified as an objective or goal of the Project and is not needed to mitigate Project impacts to a less-than-significant level.

Response to Comment 55-6

Refer to Master Response 15 (Proposition P and the Precautionary Principle) regarding protection of the community from toxins.

■ Letter 56: Indian Canyon Nation (1/12/10)

1 of 2

Letter 56

Comments on Draft EIR Candlestick Point/Hunters Point Shoreline Plan, Phase II
by Ann Marie Sayers, Tribal Chairperson Indian Canyon Nation

January 12, 2010

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street Ste 400
San Francisco CA 94102

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This DEIR including the mitigation process it proposes was developed without Ohlone consultation or input. The plan dramatically breaks with professional standards, common practices and normal expectations I have developed over the last three decades in my professional work with EIR mitigation. Even more seriously, the plan breaks California state law. The plan consolidates unprecedented power in the Environmental Resource Officer, a veritable czar over Ohlone concerns. Key decisions about Ohlone patrimony are left in this individual's hands. Professional standards, common practice and state law require inclusion of Ohlone Most Likely Descendants about what happens to our ancestral burials, cultural artifacts and sacred sites.

56-1

On page III J-30 of the Draft Environmental Impact Report, it states that the Bayview Hunter's Point Area Plan amended the SF General Plan in 2006. Therefore, Senate Bill 18 applies to this project.

56-2

Senate Bill 18 requires:

#65092: Public notice to California Native American Indian Tribes on the Native American heritage Commission list.

#65351 requires that local planning agencies provide **opportunities for involvement** for California Native American Tribes on the contact list of the Native American Heritage Commission in the preparation or amendment of the General Plan.

#65560 and #65562.5 require local governments to **conduct meaningful consultation** with California Native Tribes on the contact list maintained by the Native American Heritage Commission.

As an Ohlone on the Native American Heritage Commission list, I was not consulted. So far as I know, there was no consultation with any Ohlone Most Likely Descendants (MLD).

56-3

As the tribal chairperson of Indian Canyon, Mutsun Band of Costanoan/Ohlone people, my main concerns are:

1. The mitigation plan that the EIR proposes has not included Ohlone in its development and also does not specifically include Ohlone oversight during the mitigation, as SB 18 requires.

56-4

2. The plan does not require a Memorandum of Understanding with Ohlone descendants.

56-5

3. The plan does not address what will happen when burials are disturbed. Where and how will the burials be re-interred ceremonially? THIS IS, WITHOUT QUESTION, A TRIBAL DECISION!

56-6

4. With cultural materials, when they are found, will there be a center to display the items and educate the public about the original people of the project area? An answer to this question, with consent from the Ohlone people, is required before the DEIR can be accepted.

56-7

The DEIR reads as if none of these issues are of concern or interest to San Franciscans or the Planning

56-8

2 of 2

Department. The behavior of the Planning Department has been to act as if there were no Ohlone descendants. This disenfranchises my people. It constitutes a continuation of the cultural genocide of the Ohlone descendants.

We would love to share more of the history and significance of Ohlone tribal renewal if you want to go forward by including us in the planning process. That will require more time to respond to the DEIR.

Noso-n (in breath so it is in spirit.)
Ann Marie Sayers

↑
56-8
cont'd.

■ Letter 56: Indian Canyon Nation (1/12/10)

Response to Comment 56-1

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

Response to Comment 56-2

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

Response to Comment 56-3

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

Response to Comment 56-4

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

Response to Comment 56-5

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

Response to Comment 56-6

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

Response to Comment 56-7

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

Response to Comment 56-8

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites).

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■ Letter 57: Franklin, Alice (1/12/10)

1 of 2

Letter 57

Alice Fialkin
126 Park St.
San Francisco, Ca. 94110

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January 12, 2010

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, Ste 400
San Francisco, CA 94102

Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

For the past few years I have walked everyday at Candlestick Point State Park. I am also an environmental volunteer who has been a member of the National Park Service Conservancy Raptor Observatory for the past 8 years. I am very concerned about the impact of sea level rise on many aspects of the proposed project at Hunter's Point and Candlestick Point, from the integrity of structures to be built on the site, to the future of the State Park's shore line, to the impact on bird life. These issues have not been sufficiently addressed in the EIR.

57-1

Above all, the fact is that the sea level predictions used through out this EIR are considerably lower than the current predictions. This project will take almost 20 years to be completed, if the data being used on to predict sea level rise is outdated before the project even begins we will be in serious trouble by the end of the project.

The recently released "Copenhagen Diagnosis," which updates the U.N.'s Intergovernmental Panel on Climate Change conservative estimates that "global sea-level rise may exceed 1 meter by 2100, with a rise of up to 2 meters considered an upper limit". A new study released by NASA put estimates considerably higher at up to 5 meters.

It is important that the EIR confront the real risks associate with sea level rise using up to date information on this subject. As it is, the EIR does not even adequately respond to the 3 ft in 75 years it uses as its base line.

Please address the following concerns:

1) III.M-14-16 overviews the risk for future flooding as related to sea level rise. It is stated here that the prediction for sea level rise in the Bay Area in 75 years is 3ft. On page III.M-56 it is stated that the plans for the perimeter at Hunter's Point Shipyard will only accommodate a 16-inch sea level rise, therefore only protecting the shoreline for no more than the next 50 years (or for 30 years after the project is completed). Will this sacrifice the open space or parkland which is being promoted as a selling feature of this project? How will this effect shore birds who migrate to this area? How will this effect the birds who nest in the area? Please account for long terms plans to address erosion of parkland? What will the effect of sea level rise be on the Bay Trail, which won't be completed until the end of this project?

57-2

2) III. M-103 states that because there is no impact of a 100-year flood on Candle Stick

57-3

2 of 2

Point because no structures will be in the flood plane. Structures are not the only things that will be impacted by sea level rise and flooding. I am very concerned that Sea Level Rise will severely impact bird life in the area. The Park is on a major flyway for migrating sea birds and waders and a nesting area for several species. Please address the impact of sea level rise on the State Parkland. What will the effect be on migrating birds and nesting birds? How many feet of park land will be erode away in the next 75 years? What will happen to the newly built Bay Trail? The existing community is being sold a "improved" State Park, but it will only be the front yard for the new condominiums if the shoreline is not protected in the long term.

↑
57-3
cont'd.

3) Please address how Harney Way will be effected by sea level rise. Will it also be built to accommodate a 3ft sea level rise?

57-4

4) III.M-100 outlines the plans for grading the project site to accommodate rising sea level, but does not detail how this will be done. A huge amount of fill will be needed for such a large project. Where will this fill come from? How will it be moved safely? What assurances are there that it is clean?

57-5

5) Given the Parcel E and E-2, the most contaminated parcels on Hunterspoint Shipyard, are along the shore, what specific remediation steps are being taken to address how this land will be effected by sea level rise? On parcel E-2 the Navy has "installed a groundwater containment and extraction system to *reduce* the potential for release of chemical constituents into the bay." (III.k-23) Will this mitigation process be effected by sea level rise? As sea level rises and more of parcel E-2 is inegrated in the the bay, will more chemicals be released in the the Bay?

57-6

As it currently this EIR does not fully account for how the Candlestick Park and new parkland on Hunters Point will be protected for the generations to come. Please address the concerns raised here so that we can protect and enjoy the Bay and its wildlife for many years to come.

57-7

Sincerely,

Alice Fialkin

■ Letter 57: Franklin, Alice (1/12/10)

Response to Comment 57-1

Refer to Master Response 8 (Sea Level Rise) and Responses to Comments 36-2 and 58-3 for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur.

The Draft EIR mitigation measures MM HY-12a.1 and MM HY-12a.2, pages II.M-100 to -102, recognize that the science related to climate change and sea level rise rates will continue into the future; therefore, Project plans do not include a specific upper limit of sea level rise, such as 16 inches or 36 inches or 55 inches. Rather a risk-based analysis was conducted, based on which development elevations, setbacks, and a Project-specific Adaptation Strategy was prepared for the Project. The Adaptation Strategy includes preparing an Adaptive Management Plan which outlines an institutional framework, monitoring triggers, a decision-making process, and an entity with taxing authority that would pay for infrastructure improvements necessary to adapt to higher than anticipated sea levels.

Response to Comment 57-2

Refer to Master Response 8 (Sea Level Rise) and Responses to Comments 36-2, 57-1, and 58-3 for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur. The Adaptation Strategy includes measures to provide continued flood protection beyond the 16-inches of sea level rise that it is initially built to, thereby ensuring that open-space and public uses continue. Also, refer to Master Response 8 (Sea Level Rise) for a discussion of adaptive management strategies that would include increasing open space in response to sea level rise by creating cobblestone beaches or tidal marshes to limit wave run-up.

Response to Comment 57-3

As discussed in Chapter II (Project Description) starting on page II-69 of the Draft EIR, the Project would use an adaptive management approach for protecting the shoreline from future sea level rise. This includes designing the shoreline and public access improvement areas with a development setback so that higher than expected sea level rise could be accommodated should it occur. Table II-13 (Summary of Shoreline Improvements at the Project Site), starting on Draft EIR page II-57, identifies the types of shoreline improvements that would be implemented within the state park and other portions of the Project, as described in the Project's Shoreline Structures Assessment report. Figure II-22 (Flood Zones [With Project]), Draft EIR page II-72, when viewed in comparison with Figure II-21 (Flood Zones [Existing and with a 36-Inch Sea Level Rise]), Draft EIR page II-71, shows the areas that would be protected from sea level rise with implementation of the proposed shoreline improvements. In addition, mitigation measure MM HY-14, Draft EIR page III.M-106, requires implementation of the shoreline protection measures included in the Project's Proposed Shoreline Improvement Report. Implementation of the Project's proposed shoreline improvements, as described in the Project Description and as required by mitigation measure MM HY-14, would reduce potential sea level rise impacts associated with flooding to State Park land and shorebird habitat

to a less-than-significant level. Also refer to Master Response 8 (Sea Level Rise) for a discussion of the Project's adaptive management strategy for protecting the shoreline from sea level rise.

With respect to flooding associated with sea level rise and potential impacts on habitat for shorebirds, in the absence of the proposed shoreline improvements, shoreline habitat would be lost to sea level rise, and high waters of the Bay may encroach into developed areas that do not provide suitable habitat for shoreline species such as shore birds. However, the proposed shoreline improvements will allow for shoreline conditions to be adapted as sea level rises. Furthermore, sediment accretion on the outboard sides of these shoreline treatments may keep pace with sea level rise so that at least some mud flat, and possibly a narrow strip of tidal marsh, could be maintained in areas that currently provide such habitat (i.e., in more sheltered areas such as South Basin that are not subject to erosion).

Further, as discussed in Section III.N (Biological Resources) in Impact BI-4a (page III.N-56) and Impact BI-4b (III.N-64) of the Draft EIR, shoreline improvements would result in construction of revetments to minimize flooding and shoreline erosion, including placement of soils or sand to enhance beach or marsh habitat. For example, along most of the northern and southern edges of Candlestick Point, marsh soils would be placed in jurisdictional areas following completion of the revetment to provide a gentler slope than is currently present, which would allow for colonization by marsh vegetation. As a result, much of the fill of jurisdictional areas (as reflected in Table III.N-4 and Figure III.N-5) would result in an enhancement of habitat (i.e., shorebird habitat). Table III.N-4 and Figure III.N-5 have since been modified and are presented in Section F (Draft EIR Revisions).

Response to Comment 57-4

Refer to Master Response 8 (Sea Level Rise) for a discussion of sea level rise taken into account for various Project components. As discussed in Chapter II (Project Description) starting on page II-69 of the Draft EIR, the Project would use an adaptive management strategy for protecting the shoreline from future sea level rise. This includes designing the shoreline and public access improvement areas with a development setback so that higher than expected sea level rise could be accommodated should it occur. Table II-13 (Summary of Shoreline Improvements at the Project Site), pages II-57 and -58 of the Draft EIR, identifies the types of shoreline improvements that would be implemented within the state park and other portions of the Project, as described in the Project's Shoreline Structures Assessment report. Figure II-22 (Flood Zones [With Project]), page II-72 of the Draft EIR, shows the areas that would be protected from sea level rise with implementation of the proposed shoreline improvements. In addition, mitigation measure MM HY-14 requires implementation of the shoreline protection measures included in the Project's Proposed Shoreline Improvement Report. Implementation of the Project's proposed shoreline improvements, as described in the Project Description and as required by mitigation measure MM HY-14, would reduce potential sea level rise impacts associated with flooding to development areas, such as Harney Way.

Response to Comment 57-5

Soil will be imported from approved sources and will meet the guidelines for construction fill as specified by local, regional, and state guidelines. The type and extent of testing specified by these permits and guidelines will be followed. Transportation will be by truck and/or barge. California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), has identified procedures to

minimize the possibility of introducing contaminated soil onto a site that requires imported fill material. In addition, Amendments to San Francisco Health Code Article 31, to include all of Hunters Point Shipyard, will require the preparation of a Soil Importation Plan that describes the procedures to be used to ensure that imported soil does not exceed established thresholds.

Response to Comment 57-6

Refer to Master Response 8 (Sea Level Rise) for a discussion of sea level rise effects on movement or exposure to hazardous materials and mitigation measures.

Response to Comment 57-7

As stated on page I-7 of the Draft EIR:

The EIR is an informational document that informs public agency decision-makers and the general public of the significant environmental effects and the ways in which those impacts can be reduced to less-than-significant levels, either through the imposition of mitigation measures or through the implementation of specific alternatives to the Project as proposed.

In total, there are approximately 111 mitigation measures that have been designed for the express purpose of avoiding or reducing environmental impacts. In addition, the commenter requests that all concerns are addressed. Responses are provided in Responses to Comments 57-1 through 57-6.

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■ Letter 58: Green Action Health and Environmental Justice (1/12/10)

1 of 2

Letter 58

Marie Harrison
Community Organizer
Green Action For Health and Environmental Justice
Bayview Resident
1751 Quesada Ave. San Francisco, CA 94124

January 12, 2010

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street Ste 400
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Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

Section III.K P-24 Hazardous Material

As stated in the EIR, for parcel E2; "the range of cleanup options includes: excavation and off-site disposal of solid waste, soil, and sediment (including monitoring and institutional controls); or on-site containment of solid waste, soil, and sediment with Hot Spot Removal (including monitoring and institutional controls or some combination thereof)"

Given that numerous radiological elements are present in Parcel E2, and known gases are building under current cap, please identify what toxins are being left in the ground, the dangers they may pose of combustion, the dangers of the sea level rising and forcing what contaminants are left to surface and forcing it to leach into the basin. Please provide a map indicating what IC's are being used on parcel E2 and their location.

What effects would the leaching of contamination into the basin have on sea life?

In 1997, San Francisco residents overwhelmingly passed Proposition P, calling for a complete clean up to unrestricted use of all parcels. What is the justification for ignoring that? Please provide an alternative plan that includes the clean up of the entire shipyard to unrestricted use.

Section III.M Sea Level Rise

The study cited in the EIR by Moffat and Nichol states "[assuming] a 36-inch rise in seal level by 2075, the future base flood (100-year event) elevation would be +9.7 feet NGVD29 (+1.2 feet SFCD)". This study is inaccurate and outdated, in comparison to the recent study released by NASA that clearly states that the timetable which projects sea level rise is in direct conflict with the study by Moffat and Nichol. Climate change is accelerating beyond expectations. Please provide an alternative plan that considers the latest data on sea level rise.

58-1

58-2

58-3

2 of 2

NASA is a world-renowned scientific institution, which gathers international data and utilizes the leading advanced technology available to humanity. | 58-4

Being that this is a 30-year project, what are the ramifications? What is going to happen since the projections used in the planning for the project (based on Moffat and Nichols) are inaccurate? What are the emergency plans to deal with the accelerating climate change? | 58-5

Due to the 16-inch elevation to accommodate the project, for an even higher sea level rise what is the necessary elevation? How many cubic feet of fill will be needed to attain this elevation on Parcel E2? | 58-6

What are the ramifications for the additional water and pressure due to sea level rise that is currently forcing the water into the existing creek that runs along side YS down Donner. Presently there are heavy rains that can flood garages and backyards, to the degree that this requires them to have water pumps to drain the water. Those homes are already having problems with flooding, even before there has been any significant sea level rise. | 58-7

In the event of a major earthquake after the construction of an easement over Yosemite Slough, what is the degree of pressure before the easement would collapse? | 58-8

■ Letter 58: Green Action Health and Environmental Justice (1/12/10)

Response to Comment 58-1

Refer to Master Response 8 (Sea Level Rise) for a discussion of sea level rise taken into account for various Project components, and Master Response 9 (Status of the CERCLA Process), Master Response 11 (Parcel E-2 Landfill), and Master Response 13 (Post-Transfer Shipyard Cleanup) regarding concerns about toxins. As part of the Remedial Design step in the CERCLA process, regulatory agency approved LUC RDs for each parcel will lay out the inspection and reporting requirements for the institutional controls (ICs) and activity and land use restrictions.

Response to Comment 58-2

Refer to Master Response 14 (Unrestricted Use Alternative) and Master Response 15 (Proposition P and the Precautionary Principle) regarding Proposition P.

Response to Comment 58-3

Refer to Master Response 8 (Sea Level Rise) and Responses to Comments 36-2 and 57-1 for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur.

Response to Comment 58-4

The comment is acknowledged. No response is required.

Response to Comment 58-5

Refer to Master Response 8 (Sea Level Rise) for a discussion of recent sea level rise predictions and timelines for these changes to occur. As indicated in Master Response 8, the sea level rise predictions used as a basis for this Project's planning are within the range of estimates reported recently in the literature for changes occurring by the end of this century. This timeframe encompasses the foreseeable life of the Project. Climate change impacts such as sea level rise do not occur in short time frames. Ice sheet collapse, which accounts for a major uncertainty with respect to sea level rise, would occur over several decades¹¹¹ or centuries¹¹²; therefore, it is unlikely that an emergency response will be necessary. Instead, strategic planning for adaptive management strategies is a realistic strategy for dealing with sea level rise. The need to address sea level rise is not isolated to the Project. Several urban locations within the San Francisco Bay Area are anticipated to be vulnerable to sea level rise. At an increase of 16 inches significant portions of the South Bay and San Francisco Airport, is vulnerable.¹¹³ Given the uncertainty associated with sea level

¹¹¹ Hansen, J.E. 2007. Scientific reticence and sea level rise. *Environmental Research Letters*. 2: 1-6.

¹¹² BCDC (San Francisco Bay Conservation and Development Commission). 2009. *Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on its Shoreline*, Draft Staff Report. April 7, 2009, p. 17.

¹¹³ This is illustrated in several figures contained in BCDC. 2009. *Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on its Shoreline*, Draft Staff Report. They are also available online at http://www.bcdc.ca.gov/planning/climate_change/climate_change.shtml.

rise predictions at this time, the strategy proposed for this project, which involves adjusting the grade for a reasonable level of rise and relying on adaptive management strategies to accommodate higher levels, is consistent with recommendations by the California Natural Resources Agency (CNRA), which states, “adaptation is the only way to deal with the impacts of sea-level rise that is anticipated under either emissions scenario during the twenty-first century.”¹¹⁴

Response to Comment 58-6

Refer to Master Response 8 (Sea Level Rise) and Responses to Comments 36-2, 57-1, and 58-3 for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur.

With respect to the amount of fill necessary to reach higher elevations related to increases in sea level the existing site varies in elevation from the shore of the bay to elevation 3 within 50 feet of the bay; the parcel E2 then slopes up to elevation 11 and continues to be topped off at elevation 20.8 (all in city datum). Based on the plans to address sea level rise as described in Master Response 8 (Sea Level Rise) to attain higher elevations the project will need to provide minor amounts of fill to improve shoreline protection.

Response to Comment 58-7

With respect to the potential for garages and backyards to flood as sea levels rise the proposed grading plan and storm drain system design will not add any new runoff into existing creeks, or result in ponding that will affect garages or backyards. Further, in Impact HY-11, page III.M-98 of the Draft EIR, states:

A new separate storm sewer system would be constructed at the Project site in accordance with the design standards and criteria issued by the SFPUC and criteria in the San Francisco Subdivision Regulations. ... As discussed in Impact HY-10, above, overall Project site development would result in an average of approximately 39 percent reduction in peak storm flows and would also reduce runoff volumes from frequently occurring storms.

Refer to Master Response 8 (Sea Level Rise) for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur.

Response to Comment 58-8

Refer to Master Response 6 (Seismic Hazards), Impact GE-4a, and mitigation measure MM GE-4a.3 for a discussion on seismic design for bridges. As discussed on page III.L-20 of the Draft EIR, state guidelines protecting bridges and overpasses on state roads from geologic and seismic hazards are contained in Caltrans Bridge Design Specifications, Bridge Memo to Designers, Bridge Design Practice Manual, and Bridge Design Aids Manual. The Caltrans Seismic Design Criteria specify the minimum seismic design requirements that are necessary to meet the performance goals established in Section 20 of Bridge Memo to Designers. The bridge and alignment will be designed to prevent collapse and protect public safety during a major seismic event. Pages III.L-19 and -20 of the Draft EIR state:

¹¹⁴ CNRA (California Natural Resources Agency). 2009. 2009 California Climate Adaptation Strategy. Discussion Draft. A report to the Governor of the State of California in response to Executive Order S-13-2008.

Caltrans Bridge Design Specifications and San Francisco Department of Public Works Standard Specifications

State guidelines protecting bridges and overpasses on state roads from geologic and seismic hazards are contained in Caltrans *Bridge Design Specifications*,³⁹³ *Bridge Memo to Designers*,³⁹⁴ *Bridge Design Practice Manual*,³⁹⁵ and *Bridge Design Aids Manual*.³⁹⁶ The manuals provide state-of-the-art information to address geo-seismic issues that affect the design of transportation infrastructure in California. Bridge design is required to be based on the “Load Factor Design methodology with HS20-44 live loading (a procedure to incorporate the estimated weight of the vehicles and/or pedestrians on the bridge with the weight of the bridge for loading calculations)” in the *Bridge Design Specifications*. Seismic-resistant design is required to conform to the *Bridge Design Specifications* and Section 20 of *Bridge Memo to Designers*, as well as Caltrans *Seismic Design Criteria*.³⁹⁷ Section 20 of *Bridge Memo to Designers* outlines the category and classification, seismic performance criteria, seismic design philosophy and approach, seismic demands and capacities on structural components, and seismic design practices that collectively make up Caltrans’ seismic design methodology. The methodology applies to all bridges and highways designed in California. A bridge’s category and classification determines its seismic performance level and which methods would be used to estimate the seismic demands and structural capacities. The performance criteria include functional and safety evaluations of ground motion, level of service to be attained following a major earthquake, and the level of damage the structure must be designed to withstand.

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■ Letter 59: Jefferson, Simon (1/12/10)

1 of 2

Letter 59

Simon Jefferson
2035 Palou Ave
San Francisco Ca 94124

January 12, 2010

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street Ste 400
San Francisco CA 94102

Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

I have been a homeowner on Palou Avenue since the 1960s. Palou Avenue is a street that many families and seniors live on. No trucks are over 3 tons are supposed to come down this street. We have tried to keep Palou as a neighborhood street where we don't have to worry about children playing outside where they live.

I have many concerns that I feel were not adequately addressed in the Candlestick Point Shipyard Phase II EIR. As a resident on Palou Street, I have tried very hard to understand the complete transit plans that are being proposed for the development. It is very difficult to understand the complete impacts because the Bayview Transportation Improvement Plan EIR was broken off from the development and is being released on a later timeline. This does not make any sense, given the importance of understanding the traffic in order to assess the impact of the plan as a whole. I do not want to see too much more traffic impacting the street where I and my neighbors live, and this EIR does not clearly explain to what degree traffic will increase on Palou Avenue. Palou is also not a very wide street and, as is we see a lot of accidents with people going in and out of their garages. All of these day-to-day quality of life and safety impacts need to be given thorough evaluation.

Section III D-60 of the EIR states Palou Avenue is a transit preferential street. On game days Palou would be a "dedicated transit only street" to allow buses to proceed to the T third street linerail and points west and north with out mixing in congested pre and post game traffic.

How will residents that live on Palou Street be able to have access to their cars and parking on game days? What outreach has been done with residents of Palou? What have their responses and comments been? Please provide a list of all outreach activities targeted to the residents along the Palou. Why has the impact of this action for Palou street residents not been addressed? What is the impact of Palou being a transit preferential street on the Monday and Thursday night games? How will it impact the residential commuter traffic on those days? Please provide a map of the alternative routes for residents on Palou during these closures.

As stated in section V. C. there are over 25 areas where transportation and circulation would have significant environmental effects that "cannot be avoided if the project is implemented" Including an increase of congestion along Palou impacting and increasing the travel time of 3 major bus routes including the 23- Monterey 24- Divisadero and the 44 Oshaugnessy. This is a

59-1

59-2

59-3

2 of 2

huge number of effects that will dramatically impact the residents of Bay view. As a bus rider, I depend on these bus routes that are mentioned in the EIR to make it to my various appointments and commitments. Please provide more information about exactly how long my travel time will be delayed on these routes and what alternatives could be considered that would not negatively impact public-transit dependant residents.

Please give more thorough maps and explanation about the transportation impacts on roads, sidewalks, bus routes etc for the entire project and in particular for the residents on Palou Avenue.

Sincerely,

Simon Jefferson

↑
59-3
cont'd.

↑
59-4

■ Letter 59: Jefferson, Simon (1/12/10)

Response to Comment 59-1

As described in the Draft EIR, the Project would construct new traffic signals at intersections along Palou Avenue. The Project would also provide a number of streetscape improvements, including sidewalk bulb-outs, cross walks, curb ramps, street trees and planting, bus shelters, and other site furnishings and pavement treatments that would visually tie together the Project with Bayview neighborhood.

Although not specifically proposed as part of the project, mitigation measure MM TR-22 would require slight widening of Palou Avenue to accommodate one travel lane and one transit-only lane in each direction. This measure would mitigate Project-related impacts to transit travel times along Palou Avenue, and would be implemented only at such time as the Project causes specific levels of transit delays. With the mitigation measure in place, on-street parking would be maintained on both sides of Palou Avenue and sidewalks would be 12 feet wide, which would be consistent with the City's Draft Better Streets Plan guidelines. Refer to Master Response 18 (Transit Mitigation Measures), which presents discussion and graphics of the Project's transit mitigation measures, including transit improvements on Palou Avenue (i.e., MM TR-22.1).

Refer to Response to Comment 43-2 for information regarding the relative timing of this Draft EIR compared to the BTIP Draft EIR, which is currently being prepared. Response to Comment 43-2 also includes information regarding the BTIP project improvements and their relationship to the analysis of transportation improvements in the CP-HPS Phase II Development Plan.

The Draft EIR does include an assessment of the Project's impacts to traffic on Palou Avenue. Specifically, Table III.D-10-12, on pages III.D-73-81 present existing, future year without the project, and future year with the project intersection operating conditions at four key intersections on Palou Avenue for the weekday AM and PM and Saturday peak hours, respectively. The specific traffic impacts on Palou Avenue associated with the Project are discussed in Impacts TR-3, TR-4, and TR-5.

Additional detail regarding traffic volumes can be found in the Project's Transportation Study, included as Appendix D of the Draft EIR. Specifically, Figure 31A through Figure 31D illustrate the project-generated traffic volume increases forecasted to occur at all study intersections, including those on Palou Avenue.

Finally, the commenter notes that the Draft EIR should include a discussion of safety issues associated with Palou Avenue. Impact TR-34 on Draft EIR pages III.D-119 and -120 presents the assessment of impacts related to increased traffic volumes on area roadways on pedestrian circulation and safety. There are a number of factors that contribute to increased pedestrian-vehicle and bicycle-vehicle collisions, and the number of collisions at an intersection is a function of the traffic volumes, travel speeds, intersection configuration, traffic control, surrounding land uses, location, and the number of pedestrians and bicyclists. The Project would not result in a substantial change in the street network, and would include street improvements that would enhance pedestrian and bicycle travel through the area. Overall, pedestrian and bicycle access and the environment would improve within and in the vicinity of the Project site, and Project impacts would be less than significant.

Response to Comment 59-2

Refer to Response to Comment 54-1 for a discussion of transit preferential treatments on Palou Avenue. During game-day conditions, Palou Avenue would be closed to through-traffic, except for transit vehicles. In this case, residents would still have access to their homes. The closure would be for through-traffic only. These conditions would likely only be in place for approximately two hours prior to and two hours after games on football game days only.

To date, over the past three years City staff have conducted more than 190 public meetings and workshops on the Project. In the spring of 2008, City staff held a series of four land use workshops on transportation, urban design, and open space, which included the referenced proposal for Palou Avenue. Additionally, the City has conducted numerous Transportation Plan workshops with committees of both the Bayview Hunters Point Project Area Committee (PAC) and Citizens Advisory Committee (CAC). Feedback has generally expressed a desire for better transit service, improved pedestrian amenities, and concern regarding Project traffic impacts.

Response to Comment 59-3

The importance of transit circulation on multiple lines (e.g., the 23-Monterey, 24-Divisadero, and 44-O'Shaughnessey) on Palou Avenue is address in the Project with the transit priority upgrades it proposes to ensure that transit operations would be enhanced and traffic conflicts minimized. To address potential impacts to transit circulation should traffic conditions begin to render these improvements ineffectual in protecting transit operations, mitigation measures are identified. Specifically, Project mitigation measure MM TR-22.1 identifies a series of improvements to Palou Avenue to improve transit travel times and reduce Project impacts. Generally, the improvements consist of providing a dedicated transit-only lane in each direction along Palou Avenue between Crisp Avenue and Third Street. Refer to Master Response 18 (Transit Mitigation Measures), which presents discussion and graphics of the Project's transit mitigation measures, including transit improvements on Palou Avenue (i.e., MM TR-22.1).

The traffic and transit impact analysis was conducted for future year 2030 conditions, which assumed substantial cumulative development in the Project vicinity (e.g., Executive Park, the Visitacion Valley Redevelopment program, Hunters View project, Brisbane Baylands) totaling about 7,000 new housing units and about 9.8 million square feet of commercial development. The amount of delay that would be experienced by transit riders on the 23-Monterey, the 24-Divisadero and the 44-O'Shaughnessey would vary by year, time of day and direction of travel, depending on a number of factors, including: the amount of background growth that is actually developed, the amount of Project development that is completed at the time, the phase of transit improvements that is implemented at that time, and implementation of the mitigation measures. However, by future year 2030 assuming all cumulative background development and the Project is built out, and with full implementation of the Project transit plan, riders on the 23-Monterey between Ingalls Street/Oakdale Avenue and Glen Park BART station would experience an additional 7 to 12 minutes of delay from existing conditions, riders on the 24-Divisadero between Hunters Point Shipyard and Mission Street would experience an additional 7 to 10 minutes of delay from existing conditions, and riders on the 44-O'Shaughnessey between Hunters Point Shipyard and the Glen Park BART station would experience 14 to 19 minutes of delay from existing conditions. Implementation of MM TR-22.1 would

reduce the projected increases in travel times. Details of the transit impact analysis are presented in Chapter 4 of the Transportation Study, included as Appendix D of the Draft EIR.

Chapter VI of the Draft EIR presents and assesses a series of Alternatives, many of which include less development, which would reduce the Project's impact to transit service along Palou Avenue.

Refer also to Response to Comment 54-1 for a discussion of transit preferential treatments on Palou Avenue.

Response to Comment 59-4

The Draft EIR provides adequate analysis and discussion of the Project and Project-related transportation impacts. Additional detail is available in the Transportation Study, included as Appendix D to the Draft EIR.

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■ Letter 60: Donahue, Vivien (1/12/10)

1 of 2

Letter 60

Vivien Donahue
178 Kiska Road
San Francisco, CA 94124

January 12, 2010

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street Ste 400
San Francisco CA 94102

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IAN 12 2010

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

My name is Vivien Donahue. I live on Kiska Road, only a few blocks from the shipyard. I have lived here since 1980. Even before Lennar came into the picture, I and many other residents were organizing for the complete cleanup of the shipyard. In 1998, I began attending meetings with Communities for a Better Environment. I joined the organization because of the extent of cancer I have seen in our neighborhood. Before living in Bayview, I had never known so many people affected with cancer. In Bayview Hunters Point I have known dozens of people personally who have suffered and even some who died from breast cancer, uterine cancer, prostate cancer, brain cancer, and kidney cancer. I have also known countless people with respiratory illnesses such as bronchitis and asthma. My own daughter-in-law developed kidney cancer at the age of 28 and she died that same year as a result of her illness.

60-1

It is well documented that Bayview Hunters Point is a cancer cluster. Through my work with Communities for a Better Environment I learned about how many carcinogenic hazardous materials residents in this neighborhood have been exposed to because of the high concentration of toxic industries that have been permitted to operate in this area.

The Navy Shipyard, San Francisco's only superfund site, has the highest concentration of carcinogenic hazardous materials of all of these various industries. To this day, most parcels of the shipyard still contain high levels of carcinogenic materials. Parcels B, C, D, D-1, D-2, UC-1, F, G, E, E-2, and all of the additional sub-parcels of parcel E contain several chemicals that are acknowledged carcinogens according to the ATDSR, including:

- Volatile and Semi-Volatile Organic Compounds (VOCs and SVOCs), Total Petroleum Hydrocarbons (TPH), Beryllium, Vinyl Chloride, Arsenic, Polychlorinated biphenyls (PCBs), Cesium, Chromium, Carbon Tetrachloride, Chloroform, Naphthalene, Tetrachloroethane, Xylene, Methylene Chloride, Benzene, Cobalt, and Radium.

As a resident living very close to the shipyard, what notification will I be given regarding what carcinogenic and or radiological contamination would be left underneath a cap if this development project were approved? How will this notification be given?

60-2

2 of 2

In (1990) I was part of the community process to put proposition P on the ballot. 87% of San Francisco voters supported this measure that called for the shipyard to be cleaned to a level of unrestricted use, which is a level that would allow for residential housing. The EIR did not provide an analysis of what would be required to fulfill the will of San Francisco voters and clean the shipyard for unrestricted use.

60-3

In 2000, I remember the underground nuclear fire that burned for many months. The Navy was unable to put this fire out. We still don't know the extent of all that we were exposed to as a result of that fire. This fire illustrates that the toxic soup that currently exists at the superfund is not something that can be safely left below a clay cap. The particular danger with capping these serious volatile toxins is that much of the danger that could affect these chemicals will in fact be coming from below, as result of both sea level rise and the risk of liquefaction. What analysis has been done of the potential toxic soil interaction with the Bay, below the cap, as a result of either sea level rise or liquefaction?

60-4

P I-5

P I-5 Area where the proposed stadium would be would turn into "additional housing if a new stadium is not built." The voters of the city adopted a policy, Proposition P, calling for clean up of the shipyard to "unrestricted use" which would allow housing. The EIR fails to provide an analysis of an alternative that would allow housing on all parcels of the shipyard. It is massively unlikely that the stadium will be built. **Provide an analysis of how the Shipyard will be cleaned to residential use.**

60-5

Who will be notified throughout construction and after build-out is complete about the specific hazardous materials that will be left under the proposed cap? How will they be notified? Will there be notices on all of the deeds? Are they going to give notices to all of the property owners in the surrounding area that will be recorded on the deeds? ? Will there be limitations of land use by resident of this housing (restrictions on digging, planting etc.)? How will new and current residents of the project sight be made aware of these restrictions? What laws bind the developer to inform potential residents of these restrictions prior to purchase or lease of the units or property in the project area?

60-6

Please respond to all questions and comments and concerns addressed above.

Sincerely,
Vivien Donahue

■ Letter 60: Donahue, Vivien (1/12/10)

Response to Comment 60-1

Comment acknowledged. No response is necessary.

Response to Comment 60-2

Refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) regarding the notice that will be given to property owners, residents, and neighbors regarding environmental restrictions and other cleanup issues.

Response to Comment 60-3

Refer to Master Response 14 (Unrestricted Use Alternative) and Master Response 15 (Proposition P and the Precautionary Principle) regarding removing toxins.

Response to Comment 60-4

Refer to Master Response 8 (Sea Level Rise) for a discussion of sea level rise effects on movement or exposure to hazardous materials, liquefaction potential, and mitigation measures. Refer also to Master Response 7 (Liquefaction) for a discussion of how construction can be successfully accomplished in potentially liquefiable areas.

Response to Comment 60-5

Refer to Master Response 14 (Unrestricted Use Alternative) and Master Response 15 (Proposition P and the Precautionary Principle) regarding removing toxins. In addition, Variants 1, 2, and 2A, as well as Alternative 1, 3, 4, and 5 all evaluate scenarios that do not include a stadium at HPS Phase II.

Response to Comment 60-6

Refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) regarding the notice that will be given to property owners, residents, and neighbors regarding environmental restrictions and other cleanup issues.

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■ Letter 61: Lee, Mishwa (1/12/10)

1 of 3

Letter 61

From: Mishwa Lee
3 Ardath Ct.
San Francisco, CA 94124

To: Environmental Resource Officer, Planning Dept.
San Francisco Redevelopment Agency
~~One South Van Ness Ave.~~ 1650 Mission
San Francisco, CA 94103

Jan 12, 2010

Comments Regarding: Candlestick Point Hunters Point Shipyard
Phase II - Draft EIR

1. The Executive Summary (ES2) states that "The City's overarching goal is to revitalize the BVHP community by providing increased business and employment opportunities.
My question is, How many long time 94124 residents has phase 1 of development employed as % of total workforce, including Project Managers, consultants, and ^{sub}contractors? I would like to see a table with this data. By long term I mean a minimum of 10-15 years residence in 94124.

61-1

2. In the Executive Summary pg3 it states.
"The integrated development should incorporate environmental sustainability concepts and practices"
Explain how the addition of a bridge over Yosemite Slough will adhere to this guideline.

61-2

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2 of 3

Pg 2
from Mishwa Lee

3. (In Section III pg 5) It is stated, "A planned restoration of Yosemite Slough includes restoring 12 acres of upland fill back to tidally influenced wetlands... A restoration project is being implemented by Cal. State Parks Foundation in collaboration with local environmental groups."

Could you explain, at what stage is the restoration? How much has already been completed? How much money has already been spent to implement? How many local 94124 people are employed? The draft EIR doesn't address this? What percentage of this restoration will be destroyed if the bridge is constructed over Yosemite Slough.

61-3

4. While reading Sec. 3 Water Resources, there is a discussion or information provided about flooding and runoff within the project area and surrounding vicinity. Can you provide a map pinpointing areas within one mile of project boundary where there has been subsidence of roads.

61-4

5. Sec 3 Pg 13 footnote #458 states "NFIP regulations require coastal communities to insure that buildings built in Zone V are anchored to resist wind and water loads acting simultaneously. Not only do they have to be elevated above the Base Flood Elevation, must be protected from impact of waves, hurricane force winds and erosion... Can you provide a map clearly indicating Zone V and place it in the main body of the EIR?"

61-5

3 of 3

pg 3

6. Sec III M-32

Rivers & Harbors Act Section 10 states " Bridge construction does not require a Section 10 permit, but does, however require authorization for discharges of fill or dredge material under CWA Section 404." What plans are in place for disposal of dredged material?

61-6

7. Sec III M-23 states " Because many pollutants can adhere to sediment particles, reducing sediment can reduce the amount of these pollutants in stormwater discharges."

I am concerned that the fragile marine environment of Yosemite Slough will be damaged beyond repair by dredging and placement of 375+ pilings, will disturb the sediments, releasing toxics and threatening embryonic fish species such as herring.

61-7

I am concerned that dredging of marina and drilling pilings will release toxics and harm marine life. Please comment on the mitigations and show a timetable of when and how long dredging + pile driving will be expected to be conducted, for what length of time and what will be done if levels of toxics reach dangerous levels.

Nishwa Lee

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■ Letter 61: Lee, Mishwa (1/12/10)

Response to Comment 61-1

The comment is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. Data from the Equal Opportunity Employment program for the Hunters Point Shipyard Project Area indicate that for Hunters Point Phase I, 52.2 percent of all professional services contracts and 47.9 percent of all construction contracts were issued to San Francisco firms. With regard to employment, data for the 94124, 94134, and 94107 zip codes between 2005 and 2009 indicate the percentage of residents of those zip codes employed on Shipyard projects rose from 4.8 percent in 2005 to a high of 19.0 percent in 2008, dropping slightly to 17.7 percent in 2009.

Response to Comment 61-2

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for a discussion of the need for the Yosemite Slough bridge. In this comment, the commenter is identifying one of the six objectives of the Project. The Project Objectives are designed to describe the underlying purpose of the Project, as a whole, and to guide in the selection of alternatives. Sustainability practices have been incorporated into the Project, as a whole, which includes the Yosemite Slough bridge, as specifically described on pages II-49 to II-50 of the Draft EIR. Some examples of sustainability features includes an urban design that promotes walking and discourages driving; compliance with the San Francisco Green Building Ordinance; the use of drought tolerant plant species; and Lennar Urban's voluntary commitment to constructing all Project buildings to the Leadership in Energy and Environmental Design (LEED[®]) for Neighborhood Development Gold standard. With respect to the bridge, one of its sustainability features is the use of a mix of impervious (i.e., paved) and pervious (i.e., grassy) surfaces. The wheel tracks would be paved, while strips in the center of the land would be planted with grass. The bicycle and pedestrian paths would also have a combination of paved and unpaved surfaces.

Response to Comment 61-3

The commenter incorrectly states that the Draft EIR states "A planned restoration of Yosemite Slough includes restoring 12 acres of upland fill back to tidally influenced wetlands...A restoration project is being implemented by California State Parks Foundation in collaboration with local environmental groups." Rather, the Draft EIR refers to "12 acres of tidally influenced wetlands" in reference to the goals and objectives of the Yosemite Slough Restoration Project, which is provided on Draft EIR page III.N-46:

- Restore habitat diversity by adding 12 acres of tidally influenced wetlands and marsh area and remove chemically impacted soils from upland areas to improve the quality of existing habitat.

With respect to the current stage of the restoration, no restoration has taken place to date. Concerns about the amount of funding spent thus far on restoration is not a direct comment on environmental issues or the content or adequacy of the Draft EIR.

With respect to local employment, economic issues are not considered by CEQA to be environmental impacts; therefore the EIR is not required to, and does not address, economic issues. Economic issues are important to City, the community and the Project Sponsor, and those issues will be considered by the City decision makers through the Project review and approval process, outside of the EIR and CEQA process.

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the potential impacts of construction and operation of the Yosemite Slough bridge on the Yosemite Slough Restoration Project.

Response to Comment 61-4

The comment does not identify where the information referred to is located in the Draft EIR. However, the Draft EIR, on pages III.M-6 through III.M-14, describes runoff and flooding conditions within the Project area and vicinity for the purpose of identifying the baseline physical conditions used to evaluate the significance of Project impacts. Project impacts that are evaluated as potential significant environmental impacts related to hydrology in accordance with CEQA are listed on page III.M-50 of the Draft EIR under the heading “Significance Criteria” and include placing housing or structures within a 100-year flood hazard area (M.g and M.h), and exposing people to a significant risk of loss, injury or death from flooding (M.i). A map showing road subsidence within one mile of the Project boundary is not needed to determine the potential significant environmental impacts of the Project with respect to runoff or flooding.

Response to Comment 61-5

Special flood hazard areas designated as Zone V associated with Project, as determined by FEMA, are shown on Figure III.M-4 (Preliminary 100-Year Flood Zones within and Adjacent to the Project), Draft EIR page III.M-12. The only land located in Zone V is the shoreline directly adjacent to San Francisco Bay.

Response to Comment 61-6

Construction of the Yosemite Slough bridge will require a CWA Section 404 permit due to construction activities that could discharge dredged material or fill material into Yosemite Slough. In this context, “dredged material” refers to material that is excavated or dredged from waters of the United States, including the redeposition of excavated material that is incidental to the excavation. The discussion for Impact BI-4c, on page III.N-67 of the Draft EIR, states that:

... Construction of the piers’ pilings would require the excavation of approximately 2,400 cubic yards of material from the slough; 167 cubic yards of material would be excavated from jurisdictional areas for construction of abutments and installation of riprap at the toe of the north and south bridge abutments.⁷⁹³

To excavate materials from the Yosemite Slough, review of such activities would be undertaken by the Dredged Material Management Office (DMMO), as described on Draft EIR pages III.M-42 through -43. Disposal of dredged materials would be managed in accordance with the goals of the San Francisco Bay Long Term Management Strategy (LTMS) for dredging, which call for a reduction of in-Bay disposal and an increase in upland beneficial reuse of dredged material. The disposal location for material dredged from Yosemite Slough would be determined through the DMMO/LTMS regulatory process. A CWA Section 404 permit would be required for in-Bay disposal of dredged material.

Response to Comment 61-7

As described on page III.M-23 of the Draft EIR, many pollutants can adhere to sediment particles. Dredging (if required for construction) and pile driving activities in the Bay to construct the Yosemite Slough bridge and the marina have the potential to disturb and resuspend sediments and pollutants associated with sediments within the Bay. Three hundred twenty (320) piles would be driven to support the Yosemite Slough bridge columns.

Impacts associated with construction within Yosemite Slough are described in Impact HY-1c, starting on page III.M-72 of the Draft EIR, and construction impacts to biological resources are primarily addressed in Section III.N (Biological Resources). Impact BI-4c, starting on page III.N-67 of the Draft EIR, addresses the impacts of bridge construction on federally protected wetlands. The impacts would be reduced to a less-than-significant level by implementing mitigation measures MM BI-4a.1 and MM BI-4a.2. Impact BI-12c, starting on page III.N-93 of the Draft EIR, addresses the impacts of Yosemite Slough bridge construction on essential fish habitat. The impacts would be reduced to a less-than-significant level by implementing mitigation measures MM BI-4a.1 and MM BI-4a.2, MM BI-12a.1, MM BI-12a.2, MM BI-12b.1, and MM BI-12b.2. Also, refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of potential effects of the Project on Yosemite Slough.

Mitigation measure MM BI-4a.1 requires the Project Applicant to obtain the appropriate permits prior to in-water construction activities, including but not limited to CWA Section 404 (Discharge of Dredged or Fill Material), CWA Section 401 (Water Quality Certification) and/or waste discharge requirements from the San Francisco Bay Regional Water Quality Control Board (SFRWQCB), California Department of Fish and Game Section 1602 (Streambed Alteration Agreement), BCDC permits, and dredging permits obtained through the DMMO process. Such permits include requirements to protect biota, such as specifying work windows for dredging and pile driving activities, specifying receiving water limits for suspended sediment, dissolved oxygen, and other constituents potentially toxic to biota, and monitoring and reporting requirements. Mitigation measure MM BI-4a.1 also requires compensation for impacts to existing wetlands through creation or restoration of wetlands or aquatic habitat.

Mitigation measure MM BI-4a.2 requires implementation of best management practices to minimize sediment transport, such as working during periods of slack tide and low wind, and installing sediment curtains around the work area.

Mitigation measure MM BI-12.a.1 requires that in-water work occur between June 1 and November 30, to protect juvenile salmonids, groundfish and prey species. Mitigation measure MM BI-12a.2 requires all personnel involved in in-water construction activities to be trained by a qualified biologist experienced in construction monitoring. Mitigation measure MM BI-12.b.1 requires essential fish habitat avoidance and minimization measures, such as not dredging areas with submerged aquatic vegetation, especially where the action could affect groundfish, prey species, larval marine species, or habitat for native oysters. Mitigation measure MM BI-12.b.2 includes preparation of a seafloor debris minimization and removal plan for in-water construction or deconstruction activities. As required by the mitigation measure, activities will be monitored by a qualified biologist, and the plan will include measures to minimize the potential for debris to fall into aquatic habitats.

The impacts associated with marina dredging are discussed in Impact HY-6b, starting on page III.M-86 of the Draft EIR, and the impacts to biological resources are primarily discussed in Section III.N (Biological Resources). Impact BI-18b, starting on page III.N-104, discusses the potential for marina maintenance dredging to adversely affect habitat or generate substantial increases in turbidity. Implementation of mitigation measures MM BI-18b.1 and MM BI-18b.2 would reduce maintenance dredging impacts to a less-than-significant level. The mitigation measures include surveys by qualified biologists, sediment plume modeling, compensatory mitigation if sediment plumes reach sensitive shoreline habitats, and implementation of best management practices for management of dredged material in accordance with the LTMS for dredging.

In-Bay construction activities at HPS Phase II have the potential to resuspend sediment originating from the discharge of sediment-laden stormwater runoff from upland contaminated areas. This is addressed under Impact HY-1b, starting on page III.M-67 of the Draft EIR. Mitigation measure MM HY-1a.2 requires preparation of a Storm Water Pollution Prevention Plan to control erosion and the discharge of sediment-laden stormwater runoff into the Bay.

In-Bay and shoreline construction activities at HPS Phase II have the potential to disturb sediment or soil that may contain chemical contaminants originating from historic uses of the site. The potential impact related to disturbance of these contaminants is addressed under Impact HZ-10b, starting on page III.K-81 of the Draft EIR. Implementation of mitigation measure MM HZ-10b, which requires regulatory-agency approved workplans and permits for near shore (both in-Bay and shoreline) improvements, would reduce the impacts of resuspending contaminated sediment or soil originating from historic uses of the site to a less-than-significant level.

Maintenance dredging of the marina would be required to maintain sufficient water depth for berthing and maneuvering boats. The required frequency of maintenance dredging is currently not known, and would depend on factors such as the circulation and flushing characteristics of the marina, shoreline erosion, and sediment transport in the Bay. The duration of dredging activities would depend on the volume of sediment removed. The time frame for dredging activities would be determined through the regulatory permitting process described above.

Refer to Response to Comment 37-1 for information regarding the months of the year in which pile driving may occur. Conditions of the permits and implementation of the mitigation measures described above would prevent toxics associated with resuspended sediment from reaching levels that could adversely affect aquatic species.

■ Letter 62: Confederation of the Ohlone People (1/11/10)

1 of 2

Letter 62

CONFEDERATION OF OHLONE PEOPLE

11th Street #109
Fremont, CA 94536
Tel: 415-894-8887
ohlonepeople@yahoo.com

January 11, 2010

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Mayor Gavin Newsom
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

JAN 12 2010
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Re: Planning Department Case No. 2007.0946E
Candlestick Point–Hunters Point Shipyard

REQUEST FOR EXTENTION ON COMMENTARY PERIOD

Dear Mayor Newsom,

We are a newly formed group, established in 2009, our organization represents over 300 families who originated from the Bay Area and are likely descendants of the Ohlone Nation, a Native American tribe recognized by State of California. As a new organization, with an accelerated campaign to invite new members we expect to see our membership of Ohlone people and supporters grow exponentially over the next few years. Our mission is not to become a tribal entity, but instead to educate our membership and supporters of Ohlone people of culture, tradition, history and current events. Our mission is one of inclusion, not exclusion, with open and honest education about the Ohlone people being the key.

As you already know, the Ohlone people are the first people occupying the coastal area residing north of San Francisco, down to Carmel, including Point Lobos. Further, Ohlone territory is known to have extended east as far as the Alta Mont Pass into places such as Livermore, Fremont, San Jose, Gilroy and Hollister. As history would have it, the Ohlone were once forced to flee areas impacted by the mission settlements, but ask them and they will verify that the people never wandered far. The coast is our traditional land and our home. Often families returned to their place of origin and attempted to rebuild their families, assimilating with contemporary populations. As an example, I can tell you that both my mother and my uncle, recently deceased, were born in San Francisco. This is the same place where my grandfather owned a corner grocery store in the 40's. Nearly all families that our organization represents will have a similar story. The difference between them and the average citizen is that the Ohlone

62-1

2 of 2

can trace their lineage to the missions where records prove their Native American connection.

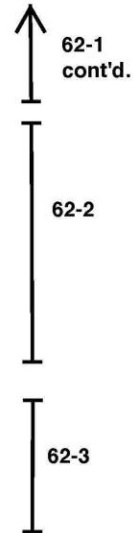
That being said, I must say that our organization was shocked to read the Environmental Impact Report studying the Candlestick Point-Hunters Point Shipyard region. It is no wonder that this study was done without input from Ohlone people or current resources. It is not bad enough to be left out of the process, as required by law, but to read such a document that totally excludes the people that live and breathe and walk your city streets is truly heart-breaking. Know that our organization is not interested in stopping the development project, but offering corrections to the report and sensitivity to the design plan.

As we see it, the quick and simple solution is to extend the commentary period allowing for input. Our group is interested in sharing development ideas and supporting the inclusion of those representatives certified to do site monitoring on behalf of Ohlone people. We see this simple request as a first step towards an amicable solution.

Please consider our request, as well as the requests being submitted by other organizations before moving forward on this project.

Respectfully,

Charlene Sul
Founder
Confederation of Ohlone People



■ Letter 62: Confederation of the Ohlone People (1/11/10)

Response to Comment 62-1

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18.

Response to Comment 62-2

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18.

Response to Comment 62-3

Refer to Master Response 2 (Potential Native American Burial Sites) regarding the monitoring of sites that could contain prehistoric Native American cultural resources or human remains.

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■ Letter 63: Herrera, Catherine (1/11/10)

1 of 1

Letter 63

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CITY & COUNTY OF S.F.
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January 11, 2010

We are used to saying 'there is a reason for everything, and in time it is revealed.' I think the saying is appropriate today in sharing this letter regarding Ohlone input on the archeological site in Hunter's Point.

Our city government has considered many times, and in many ways, how to create a space that honors the Ohlone, as well as the U.S.'s largest Native community right here in the Bay Area. Proposals made for such a space at the Presidio many years ago were not acted upon. Angel Island and Alcatraz honor important aspects of our nation's history, yet, we still do not see an honoring of the Ohlone. In 2006, the City began a two-year consultation process with the San Francisco Native American community to determine how best to move forward collaboratively. Still, our community has continued to quietly ask for space and consideration for the first people of this land.

Today is a new day. Rather than collaboration by force, we have the opportunity to work together, from the beginning of the development process, or from this point forward, to protect an archeological site, and, ensure Ohlone participation in protecting the cultural and historical legacy of the Ohlone people. The City of San Francisco must meet its legal obligation to consult with the Ohlone people, this is not just a matter of good conscious. Rather than a negotiation, this is a great moment for the City to implement the spirit of the recommendations resulting from consultation with the Native community by 1) making available a minimum 45-day comment period, 2) engaging the planning department from now forward in working with the Ohlone community to address the archeological, cultural and legacy elements of this project, and 3) setting the groundwork for a collaborative planning process moving forward.

It is also a new day for the Ohlone community. The last forty years have seen a wonderful emergence of leadership, healing, and cultural work by the Ohlone leaders and community, with significant support from the local Native and non-native communities.

Today is a good day to put the past behind us, yet, walk with the presence of our history into the future. We look forward to a prosperous dialogue, and start to good relations that can have a positive impact.

Perhaps we were all waiting for this moment and, now that time is here.

Signed,

Catherine Herrera
Filmmaker, *Witness the Healing*
San Francisco, CA

63-1

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■ **Letter 63: Herrera, Catherine (1/11/10)**

Response to Comment 63-1

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18.

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■ **Letter 64: San Francisco Tomorrow (1/12/10)**

1 of 14

Letter 64



San Francisco Tomorrow

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January 12, 2010

Environmental Review Officer
San Francisco Redevelopment Agency
One South Van Ness Avenue
San Francisco, California 94103
Sent via electronic mail: Stanley.Maruoka@sfgov.org

**RE: CANDLESTICK POINT-HUNTERS POINT SHIPYARD PHASE II
DEVELOPMENT PLAN PROJECT Draft Environmental Impact Report (DEIR)**

Dear Sirs and Mesdames:

On behalf of San Francisco Tomorrow (SFT), I would like to submit the following comments on the Draft EIR referenced above. I regret to inform you that we find the document to be fatally flawed due to its failure to 1) Identify in its analysis of the Preferred Alternative (Project) the significant and unmitigable impacts to the biological resources and aesthetics of Candlestick Point State Recreation Area (State Park); and 2) Meet the goals of Proposition G by failing to adequately connect the Bayview community with the new Project when considering transportation alternatives and by failing to provide long-term job opportunities to the Bayview community.

64-1

SFT firmly believes that any project at Candlestick/Hunters Point must provide real and long lasting benefits to the existing environmental justice Hunters Point/Bayview communities, including opportunities for employment other than the low-end and entry-level retail jobs the Project proposes through its proposed mall and other retail elements. The other job-generating feature of the Project is a Research & Development (R&D) element but jobs for R&D require high-end college educated personnel. People with this educational background are not common in the Bayview that has a tradition of blue-collar employment.

Impacts to Candlestick Point State Recreation Area

Aesthetics

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The DEIR fails to identify the construction of an approximately eighty-one foot wide bridge across Yosemite Slough as an aesthetic impact to the State Park through which this bridge is constructed.

The mission of California State Park's is:

To provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

A new, as yet unconstructed, bridge cannot be considered a natural resource or a cultural artifact. The bridge will present a clear disruption of views from the head of Yosemite Slough to the Bay. In this view people seeking to enjoy the natural values and views that the State Park provides can see thousands of waterfowl and shorebirds feeding in the bay waters or mudflats, depending upon the tides and season from Yosemite Slough itself out into the South Basin (that part of the Bay immediately east of Yosemite Slough.)

In 2003-2004 the Golden Gate Audubon Society undertook a wildlife survey in the State Park. That survey (*Final Report Yosemite Slough Watershed Wildlife Survey*, LSA, July 2004) revealed the presence of 148 species; another 36 bird species were identified over a 20 year period by expert Audubon birder Alan Hopkins adding up to 184 species. At a recent event in the Park a butterfly expert identified yet another butterfly species not previously seen in San Francisco.

In addition, on each side of Yosemite Slough were observed snakes, lizards, amphibians and small mammals such as rabbits as well as many terrestrial avian species. In the bay itself can be seen an abundance of avian species, some rare in the Bay such as oystercatchers and Wandering Tattler (usually an ocean coastal bird). Also in the Bay can be seen the marine mammal the harbor seal and the bridge would prevent people along the Slough from seeing the seals that are hauled out on sandbars off the Hunters Point shoreline. This is clearly an unmitigable impact that deprives people from appreciating the aesthetic experience the State Park was created to provide.

The importance of Candlestick Point State Park to the eastern San Francisco population cannot be overstated. In this part of San Francisco there are no large parks and no large nature area that would allow people in this highly congested area the opportunity to experience nature and have that escape from urban densities that make large urban parks so essential.

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And yet the DEIR states, "As the Project would not substantially obstruct any scenic vistas, this impact would be less than significant. No mitigation is required" (page III.E-57), and further states,

"[T]he Yosemite Slough bridge would limit some foreground views of the Slough; however, overall views of the Bay would remain. Short- and mid-range views of the Slough would be somewhat altered with the inclusion of the proposed bridge. However, short- and mid-range views of the remainder of the Slough would remain as under current conditions..."

and,

"[T]he Yosemite Slough bridge would change the open water character along the bridge route across a relatively narrow portion of the Slough. This would not be considered a substantial adverse change in the overall visual character of Yosemite Slough, as the bridge would occupy only a small footprint relative to the entire Slough. The remainder of the Slough would remain visible as an open area." (page III.E-64).

These statements abysmally fail to address the true impacts of this structure and its accompanying access roads.

The DEIR ignores the fact that immediately west of the bridge the State Parks Foundation and CalParks propose to restore 34 acres of wetland and upland habitat on both sides of the Slough as well as create bird-nesting islands just west of the proposed bridge's location. This restoration project will enhance the already wonderful natural surroundings of this area and the building of a bridge will be even more of an aesthetic nightmare for anyone seeking a State Park experience at this location.

The DEIR also ignores the fact that the General Plan of the State Park, developed through a public process that held over 200 public meetings, identifies that northern part of the State Park, in which the bridge is proposed to be built, as a nature area. Again, a bridge can only be seen as a detriment to the aesthetics of a nature area no matter how wonderful a bridge it may be.

It should be remembered that a bridge also requires access roads and that a bridge is built to carry vehicles, so we are not just talking about a static structure but also about the noise of the cars, trucks and busses and the visual appearance of the cars, trucks or busses can only further

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detract from the aesthetics of a nature experience for which a state park is created and for which this part of the State Park is specifically identified.

The access roads to the bridge bring their own aesthetic impacts, aside from the bridge, that are ignored by the DEIR. We did not find them mentioned at all in this section of the DEIR. The roads will provide barriers to people seeking to walk along the shoreline and, again, the noise and sight of the vehicles will impact any attempt to have a quiet nature experience.

We also challenge the DEIR's assertion that the bridge will only be used for BRT and "game-day" traffic. Once built, the new residents at both HPS and CP will demand that the bridge be used for general car traffic between HPS and CP regardless of the presence or absence of a stadium.

To conclude, the bridge will:

- Create non-mitigable significant negative impacts on the aesthetics of Candlestick Point State Park.
- Interrupt views from Yosemite Slough into the Bay and vice-versa.
- Bring noise from vehicles and the visual presence of the vehicles themselves into a site designated as a nature area.
- Be constructed in a part of the State Park designated public meetings as a nature area.
- Be built adjacent to a 34-acre wetland and upland habitat restoration project in the State Park and will detract from the ability of people to enjoy the beauty of that nature restoration project.
- Will require access roads that will interfere with any trails along the shoreline and the roads' traffic will create noise and visual disturbances that are antithetical to the aesthetics of a nature experience, again in a State Park and a part of the State Park designated as a nature area.

It is clear that these are all significant, non-mitigable impacts and as such the DEIR is fatally flawed for failing to identify these impacts and to identify them as unmitigable.

Transportation:

There is, of course, a viable alternative to the bridge that is ably and clearly identified in the Arc Ecology submittal from LSA Associates (and identified in the DEIR in Alternative 2). This alternative would route the proposed BRT around Yosemite Slough on an existing abandoned

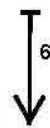
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railroad right-of-way and would result in an insignificant increase of travel time for the BRT over the bridge route of approximately just 1 minute 30 seconds.

As for game day impacts, the LSA report makes it clear that even with a bridge the large number of vehicles would overwhelm the Project's street system once over the bridge and so no benefits accrue from the bridge.

The LSA report also indicates many inaccuracies in the DEIR, for example:

Section 6, Page 30

"Under Alternative 2, motorized and non-motorized traffic would be required to circumnavigate Yosemite Slough because no bridge would be constructed."

This statement misleads the reader by implying that additional automobiles would be added to the street network without the bridge when in fact, automobiles would not be allowed on the bridge. The section should correctly inform readers that neither the Project or Alternative 2 would provide bridge access for automobiles."

And,

Appendix D, Chapter 6, Page 288

Comment 28: Pursuant to State CEQA Guidelines Section 15151, the EIR should provide a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which takes into account the environmental consequences of the project. While an EIR must contain facts and analysis, not just an agency's conclusions or opinions (*Citizens of Goleta Valley v. Board of Supervisors*, 1990), no technical analysis is presented in the Draft EIR justifying the claimed travel time savings. Based on the additional distance around Yosemite Slough (3,205 feet) and average BRT travel speeds (20 to 25 miles per hour), the alternate BRT route should require between 1 minute 27 seconds and 1 minute 49 seconds of additional travel time.

Comment 29: The third paragraph of Alternative 2-No Bridge asserts that the alternative BRT route would increase travel time by 5 minutes and decreases ridership by 15 percent. These statements are not supported by analysis presented anywhere in the Draft EIR and should be removed from the Final EIR.

We are particularly troubled by the assertion that an increase of 5 minutes travel time would result in a 15% decline in ridership. In other documents (analysis of BTIP uncirculated DEIR) prepared for Arc Ecology by LSA it was estimated that riders from the Project going either

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downtown or to the South Bay could expect MUNI trips of at least 30 to 40 minutes duration. A 5-minute increase is meaningless when considering so long a commute. We question the assumption that 5 minutes would influence a choice of transit when considering such trips.

Considering the significant aesthetic (see above) and ecological (see below) impacts of the bridge and the exorbitant cost of such a bridge, estimated to be well over \$100 million, **the FEIR should correct the flaws in the DEIR and eliminate the bridge from the Project and instead choose the around-Yosemite Slough dedicated right of way as the appropriate alignment for the BRT.**

One of the Goals of Proposition P passed by the residents of San Francisco in June 2008 was to ensure that the transportation components of the Project would integrate the new development with the existing Bayview Community thus satisfying some of the environmental justice issues of the Project. Because the bridge, and thus the BRT line, avoids the Bayview community it essentially subjects that community to environmental justice impacts, denying a part of that community with the benefits of the BRT.

SFT has developed extensive policies for helping the City achieve its goal of being a transit-first community. To ensure that this project is best able to achieve this goal we provide the following suggestions and hope they are incorporated into the Final/EIR:

- A) Provide good transit to connect to the Metro 'T' line, Sunnyside Caltrain Station and the Balboa BART Station. This can be best accomplished by extensions of existing lines now serving the area.
- B) Improve priorities on the 'T' line, at almost no cost. This is a better use of Muni capacity and funding than the new express service to downtown proposed in the Project (also see (D) and (E) below).
- C) Local transit service within the area should be on transit priority streets (TPS), without a new bridge.
- D) After transit leaves the area it should become a "Limited" service with a similar to the "19". The Limited Line should avoid the worst hills, and run to the north side of SF, but not downtown. Because this is a long route it should be BRT and TPS to the greatest extent possible, to maintain reliability. The regular "19" should continue to provide local service on the hills.

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E) The Limited Service line per (D) should be extended to the southwest to Balboa and provide limited service parallel to existing local service or become the proposed BRT using the around-Yosemite Slough alignment thus avoiding an expensive new bridge.

F) Retail service in the area should be provided under residential mixed-use buildings with village-sized markets that are easily accessible by foot for new residents in the area.

G) Project parking should be unbundled and limited to 0.5 spaces per unit and include spaces for shared cars.

H) All curbside parking should be metered 24/7 to reduce local car ownership and provide parking for other neighborhood shoppers without the need for large parking lots or expensive underground parking.

I) Each Condo should provide a Muni Fast Pass for each apartment as part of

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Impact of Yosemite Slough Bridge on Special Aquatic Sites

Impact BI-4c Construction of the Yosemite Slough bridge would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (Less than Significant with Mitigation) [Criterion N.c] DEIR Page III.N-67

64-4

While there may be no impact to wetlands there will certainly be impacts to mudflats. Mudflats, like wetlands, are identified under the §404(b)(1) Guidelines as Special Aquatic Sites. Under the Guidelines no permit should be issued for any project that would impact special aquatic sites unless there is no practicable upland alternative site available for the project purpose, and for Special Aquatic Sites there is a presumption that such a practicable, upland site is available for the project purpose. This presumption must thus exist for the bridge component of the Project

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since the bridge will impact mudflats, a Special Aquatic Site. And, in fact, a practicable upland alternative does exist for the bridge component of the Project and has been proposed by Arc Ecology and is reflected, in part, in Alternative 2 of the DEIR. **The FEIR should rewrite this section and identify mudflats as Special Aquatic Sites and reject the bridge for not being consistent with the Guidelines and thus being not permittable.** Since there is a practicable upland alternative to the this component of the Project, the US Army Corps of the US EPA should deny any permit for the bridge.

Impacts of the bridge on Wildlife

The DEIR fails to identify the impacts the proposed bridge would have on wildlife, especially waterbirds. The bridge will be on the direct route of shorebirds and waterfowl on their diurnal migration between the bay (South Basin) and Yosemite Slough as the tides move in and out.

Double Rock Island is the potential site of nesting oyster catchers. The bridge will be built within feet of the eastern end of Double rock island and thus may pose a significant threat to fledgling oyster catchers as they begin to fly and are not yet fully in control of their flight.

The CalParks' Yosemite Slough Wetland Restoration Project will create two waterbird nesting islands. The proximity of the bridge to these islands may also result in bird strikes and mortality especially since this is an area that gets fog that can mask the bridge.

The DEIR also fails to identify the impact of the access roads to the bridge on the State Park's terrestrial wildlife species. In the Audubon Wildlife Survey reptiles were particularly abundant in the areas surrounding the road alignments (all three snake species and fence lizard) as well as the slender salamander. These species are very susceptible to destruction by automobile and the access roads will bisect these species habitats. Thus the roads will result in significant increased mortality to these species. **The FEIR should recognize this as a significant unmitigable impact.**

Impacts to Wildlife

Impact BI-2 Implementation of the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any common species or habitats through substantial interference with the movement of any native resident or migratory fish or wildlife species or with

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established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Less than Significant) [Criterion N.d]...Consequently, any impacts of the Project on common species and habitats would have a negligible effect on regional population and would thus be less than significant. No mitigation is required. Page III.N-50

The DEIR's discussion of impacts of the Project to wildlife is woefully inadequate. Nowhere does the discussion of impacts recognize that a State Park's function is to preserve the biodiversity and natural beauty of the State. Whether rare or common, any wildlife species is a component of the State's biodiversity. Any diminution of wildlife resources in a State Park is a significant impact because it directly impacts this Mission of State Parks.

We also disagree with the City's criterion for significance on this subject. While possibly regionally common, the wildlife species in the State Park and HPS (and there are over 148 of them – no small number) are rare in San Francisco and their loss would deprive that community of the ability to experience wildlife. As has become well known, nature experiences can play a crucial role in the development of children and in helping urban adult populations maintain their health (Richard Louv, *Last Child in the Woods*, Algonquin Books of Chapel Hill, 2005). Furthermore, if all sites that provide habitat for common species were dismissed as insignificant such common species would soon join the rank of rare or endangered. And, again, the fact that this site is a State Park should certainly make such impacts reach a level of significance.

Also, the statement cited above, "*any impacts of the Project on common species and habitats would have a negligible effect on regional population and would thus be less than significant. No mitigation is required. Page III.N-50*" implies that all wildlife species could be eliminated from the site and yet have no significant ecological impact. This is not credible. Many of these species are prey species for migratory and/or predatory birds. Thus the disappearance of these local species may have far reaching impacts. **The Final EIR should identify impacts to wildlife species in the State Park and HPS as significant.**

The DEIR also states, that,

Bird species diversity (a measure of the number of species in a given area) increases with increasing foliage height diversity (a measure of the number and diversity of vertical layers of vegetation in that area).672,673 While this has been best studied in breeding birds, the structural complexity of habitat also influences the degree to which an area provides resources to migrant birds. Multi-layered vegetation, with well-developed ground, understory, and canopy layers, would support greater diversity of migrants than the structurally simple vegetation that dominates most of Candlestick Point and HPS Phase II.

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Also, breeding bird abundance is often closely associated with the density or volume of vegetation, with increasingly dense vegetation supporting more individual birds. The sparse vegetation present on most of the Project site limits the value of the site to breeding and migratory birds. Page III.N-13).

This is a generic statement of bird habitat needs. It ignores the fact that specific habitats provide specific functions. The grasslands of California are relatively not diverse in vegetation but still provide immense habitat values for ground-burrowing animals, raptors and many other bird species. The State Park's 5.13 acres of grassland proposed for destruction in the Project provide a healthy habitat for reptiles, amphibians, and many grassland bird species such as Meadowlarks. There is sufficient shrubbery in this area so that it sustains species such as goldfinches, white-crowned and golden-crowned sparrows (all categorized as migratory birds) and other grassland related species. I attest to this from my experience as the leader of the Golden Gate Audubon CPSRA wildlife survey in 2003-2004. Recent studies indicate that grassland birds are the most threatened in the United States due to the loss of that habitat type and indeed, in the Bay Area this is a rapidly disappearing habitat.

The FEIR should correct this statement and instead identify the grasslands of the State Park as providing valuable habitat for a variety of grassland species both terrestrial and avian.

Furthermore, the DEIR is deficient in its failure to identify the cumulative impacts of this project on wildlife in San Francisco. This Project site and particularly CPSRA, is the only large open space/Park on the eastern San Francisco shoreline and the only site that provides this diversity and abundance of these wildlife species. Loss of habitat at this location can have a cumulative impact on the abundance and diversity of wildlife species in San Francisco especially the eastern shoreline. **The FEIR should identify this as a significant negative cumulative impact.**

Failure to mitigate for impacts to raptors and loss of grasslands

The DEIR does recognize one impact to wildlife:

Impact BI-22 Implementation of the Project would not have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, by

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the CDFG, USFWS, or NMFS. (Less than Significant with Mitigation) [Criterion N.a] DEIR page 112.

Impacts to foraging raptors would be beneficial due to the removal of invasive plants and improvement of existing parkland through the restoration and management of native-dominated grassland. Only 5.13 acres of the lands impacted on Candlestick Point provide non-native grassland habitat that serves as foraging habitat for raptors. In addition, the Project would mitigate impacts to 43 acres of non-native grassland that provides raptor foraging habitat on HPS Phase II by restoring an equivalent amount of higher-quality native-dominated grassland specifically managed for grassland-associated species (see mitigation measure MM BI-7b). These areas would provide high-quality foraging habitat, and a net increase in the quality of raptor foraging habitat would result.

The DEIR is flawed in this analysis. Invasive plants do not necessarily impact raptor foraging. Our native raptors have survived quite well on the non-native grasslands that predominate in our state. We do not suggest that non-native grasslands are preferable to native grasses, obviously not, but they can and do sustain many of our wildlife species.

The mitigation proposed above for impacts to raptors is to create new and improved grasslands on Hunters Point. We do not believe this is a viable mitigation for the following reasons.

The Navy has proposed a "cover" remediation solution to the contaminant problem at HPS (other than those solutions required for "hot spots" and "plumes") on all HPS parcels other than Parcel E. A Proposed Action has not yet been released for Parcel E for which however, the DEIR states that capping is a likely solution for Parcel E (a solution we with which we disagree).

Raptor prey are predominantly ground squirrels and other burrowing small mammals. To propose that grasslands on top of a "cover" will provide raptor habitat is false since the burrowing animals, a primary raptor prey, such as ground squirrels would penetrate the cover and bring up the contaminants the "cover" is designed to keep from exposure to the air. As we have seen clear from the Bayview community, residents are appropriately concerned when threatened with the release of asbestos dust into the air as would result on HPS if the "cover" is burrowed into and the underneath serpentinite soil is brought to the surface. With the intense winds that occur at HPS it is probable that this serpentinite soil and dust would be blown into the adjacent new HPS development community, which will essentially surround the "mitigation" grasslands. This new community will insist that burrowing animals be controlled, as occurs in many parks in the Bay Area that often see ground squirrels as a nuisance pest rather than an integral component of native ecology. Thus, any grassland mitigation developed on HPS land



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will not provide raptor prey since ground burrowing animals will be controlled and thus will be absent from the grasslands.

Additionally, we would argue that in such an urban setting, with immense non-native seed banks surrounding the site, the restoration of grasslands entirely to native grasses is most unlikely to be entirely successful. Such restoration (or creation) efforts require intensive removal and yearly control of non-native grasses usually by controlled burns or through the use of herbicides, neither of which is likely to be possible in San Francisco.

This is not to suggest that we are opposed to native grass restoration, simply that one must recognize that complete success is most unlikely. The reintroduction of native grasses to any extent is a very positive improvement. However, it should not be assumed that such a native grassland creation effort will be successful enough to provide significantly increased value to wildlife species (as opposed to native plant species that will benefit greatly to the extent the effort is successful). Thus MMB1-7b will not fulfill its intention of creating new HPS grasslands that will provide native grassland habitat far superior to existing grasslands.

From the above, we conclude that Mitigation Measure MM B1-7b will fail to mitigate for the impacts to raptors. **The FEIR should remove MM B1-7b. It should remove the impact to raptors by altering the configuration of the project so as to take no State Park lands (thus abandoning the State Park Agreement) and preserving the 5.13 acres of grasslands at the State Park. In addition, the approximately 15 acres of unpaved parking lot at the State Park should be restored to grassland habitat. The remaining 20 to 25 acres of grassland lost at HPS could be mitigated by funding the restoration or creation of grasslands at sites along the eastern shoreline such as Pier 94, Heron's Head Park, Warm Spring Cove, Islais Creek, etc.**

Impacts to Wildlife Movement

The DEIR states,

Impact BI-25: Wildlife Movement

Impact BI-25 Implementation of the Project would not interfere substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery site. (Less than Significant with Mitigation) [Criterion N.d]

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The DEIR also states on pages III.N-36, 37,

Wildlife movement activities usually fall into one of three movement categories: (1) dispersal (i.e., juvenile animals from natal areas, or individuals extending range distributions); (2) seasonal migration; and (3) local movements related to home range activities (foraging for food or water, defending territories, searching for mates, breeding areas, or cover). A number of terms have been used in various wildlife movement studies, such as —wildlife corridor,|| —travel route,|| —habitat linkage,|| and —wildlife crossing,|| to refer to areas in which wildlife move from one area to another...

There is localized movement, as ground-dwelling animals forage for food, mate, and move between habitat patches within the Project site,

and,

Impact BI-2 Implementation of the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any common species or habitats through substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Less than Significant) [Criterion N.d].

We disagree with the DEIR conclusion for Impacts B1-2, BI-25 and, as stated above Criterion N.d.

The construction of the Yosemite Slough Bridge and the access roads to the bridge will certainly constrain the movement of terrestrial creatures between the northern and southern parts of the State Park (and Project as a whole) as well as those habitats east and west of the bridge and access roads. We found snakes, lizards and salamanders (and rabbits and ground squirrels) at all these locations. There will certainly be movement between these areas by these wildlife populations. Construction activities may destroy some of these creatures and post-construction the roads and their accompanying vehicles will provide a significant barrier to terrestrial wildlife movement as well as to terrestrial migratory birds or at least result in the death of many of these creatures as they attempt to cross the road or as they fly into the cars and busses using the road (it is well known that cars are responsible for the death of a large number of migratory birds).

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Therefore the FEIR should identify the access roads to the bridge as elements of the Project that will interfere with wildlife movement and identify this as a significant impact that is not mitigable.

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cont'd.

Impacts to CPSRA

The Project will remove 23.5 acres of land from the State park. We believe this is a significant negative impact that the DEIR fails to identify. In fact, we believe that the State Park should be expanded not contracted. The DEIR fails to address adequately the likely impact on the State Park's wildlife species of the approximately 30,000 new residents who will be living adjacent to the State Park. The DEIR does this by concluding (see above) that no impacts to wildlife in the State Park can be considered significant, even complete annihilation. As stated above we disagree with this conclusion. The loss of 5.13 acres of State Park grassland is significant. The increase of human use of the State Park because of 30,000 new adjacent residents will have significant negative impacts to wildlife. The only way to mitigate for this, since the grassland mitigation on HPS is not a viable mitigation, is to increase the habitat acreage at CPSRA. This can be achieved by preserving the existing State Park grasslands and restoring other grassland habitats as recommended above.

↑
64-5

We urge the office of Major Environmental Analysis to correct the severe deficiencies of the DEIR and recirculate the amended document.

Sincerely,

Jennifer Clary
President

Will you want to live in San Francisco – tomorrow?

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■ Letter 64: San Francisco Tomorrow (1/12/10)

Response to Comment 64-1

The Draft EIR contains comprehensive analyses of the Project's impacts on biological resources and aesthetics, which are determined to be less than significant with mitigation. The Project is wholly consistent with Proposition G, as noted on pages III.B-21 through III.B-22 in Section III.B (Land Use and Plans). The Project includes an integrated street system that directly connects the Bayview community with the Project, including multi-modal transit opportunities. Table III.C-7, page III.C-12, of the Draft EIR identifies the 10,730 jobs that the Project would provide. Research & Development, and Retail account for about 8,000 jobs. It is likely that a range of jobs, with a range of skills and education levels would be accommodated within Project employment. Further, as part of the Community Benefits Agreement, the Project Applicant would contribute to a workforce development fund that would be used for workforce development programs designed to create a gateway to career development for residents of the Bayview (page II-48 of the Draft EIR).

Response to Comment 64-2

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the Project's potential effects on the biological resources of Yosemite Slough and on the proposed wetlands of the Yosemite Slough Restoration Project.

Refer to Responses to Comments 31-5, 47-46, 47-73, and 47-76 for a discussion of potential aesthetic impacts associated with the Yosemite Slough bridge. Refer to Responses to Comments 47-26 through 47-30 for discussions of the Draft EIR's analysis of the Project's impacts on existing recreational resources and facilities. Also refer to Section F (Draft EIR Revisions) of this document for additional text that analyzes the impacts of the Project on the Yosemite Slough from both a recreational and aesthetics standpoint.

Response to Comment 64-3

The comment questions the need for the Yosemite Slough bridge and references a comment letter prepared by LSA Associates (Comments 82-23 through 82-34). Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 82-23 through 82-24 for detailed discussion of these issues.

The comment also expresses a series of recommendations for the Project, which are summarized and discussed individually below. Generally, a number of the proposed recommendations are already included as part of the Project.

a. The Project should provide good transit connection to T-Third, Caltrain, and Balboa Park BART Stations

As described in the Draft EIR, the Project's transit plan calls for implementation of a new BRT route connecting both the Candlestick Point and Hunters Point Shipyard developments to regional transit hubs, including the T-Third, the Bayshore Caltrain Station, and the Balboa Park BART Station. In addition, the

Project would extend the 44-O'Shaughnessy and the 48-Quintara-24th Street into the Project site, which provide connections to the Glen Park and 24th Street BART Stations, respectively. Finally, the Project proposes to implement both the CPX and the Hunters Point Express (HPX) bus service during peak periods, connecting the Project with Downtown San Francisco at or near the Transbay Terminal, which would provide direct connections to a number of other regional transit services. Overall, the Project would provide a high level of connectivity to regional transit.

b. Improve priorities on the T-Third instead of new express service

The T-Third light rail route currently has extensive transit signal priority systems, which reduce travel times and improve reliability. Further, service on the T-Third is expected to increase with opening of the planned Central Subway, which would extend the route from Fourth and King Streets in South of Market Area through a new subway to Chinatown. While this is an important and useful transit improvement for the area and the Project, the analysis has shown that both the CPX and HPX are useful and cost-effective supplements to the T-Third route, which is projected to approach its capacity in the long-term.

c. Local service should be on transit priority streets

Streets within the Project site have been designed to promote transit travel. Further, a number of transit routes expected to provide service to the Project, including the 23-Monterey, 24-Divisadero, and 44-O'Shaughnessy would be located on Palou Avenue, which is proposed to be improved with transit preferential signals. Although not all local transit routes provide service on transit preferential streets, failure to do so does not constitute a significant impact.

d. Transit should be “limited” service after leaving the study area or BRT

The CPX and HPX would provide express service between the Project site and Downtown San Francisco. The proposed BRT route would provide service similar to “limited” bus service between the Hunters Point Shipyard, Candlestick Point, and other regional transit hubs and destinations along the Geneva Avenue corridor. Converting other existing routes outside of the study area to “limited” service is not proposed by the Project and was not considered in the analysis.

e. “Limited” service should extend to Balboa around Yosemite Slough

Refer to response to “d” above.

f. Retail should be provided under residential mixed-use

The comment is acknowledged. No response is required.

g. Parking should be unbundled and limited to 0.5 spaces per unit and include carshare spaces

Residential parking is proposed to be “unbundled” whereby the cost of a parking space is not “bundled” into the cost of a housing unit. The maximum allowed parking ratio, as proposed in the Project's Design for Development, would be one space per unit, consistent with other neighborhoods in San Francisco. The Project does include space for carsharing.

h. All curbside parking should be metered 24/7

The Project's Transportation Plan assumes that all on-street parking would be paid parking (i.e., metered), however, the duration of stay (e.g., 30-minute, 1-hour, 2-hour durations) and extent of time limits (e.g., between 7 AM and 3 PM) have not been determined by SFMTA. In general, SFMTA determines the curb parking regulations to most-efficiently manage curb space while accommodating the area-wide parking demands. San Francisco does not currently have any locations with paid on-street parking in effect 24-hours a day.

i. Each condo should receive Muni fast pass

Each residential unit would receive an "eco-pass" which could be used on any regional transit system, including Muni and could operate similar to a Muni fast pass. The monthly cost of the eco-pass would be included in homeowners' dues, such that transit agencies would have a guaranteed source of ongoing funding and residents would pay no additional out-of-pocket cost each time they opted to use transit.

Response to Comment 64-4

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the Project's potential effects on the biological resources of Yosemite Slough, including mud flats, and on the proposed Yosemite Slough Restoration Project. The commenter suggests that the USACE or the USEPA should deny any permit for the bridge. Permitting issues are outside the scope of this CEQA analysis, and the Project applicant has already engaged both agencies in discussions regarding permitting this Project. The applicant will continue to work with the USACE to address regulatory issues regarding impacts to special aquatic sites such as wetlands and mud flats. Master Response 3 also addresses potential impacts of the bridge on wildlife in Yosemite Slough, including the restoration site.

Refer to Response to Comment 47-89 for a discussion of potential impacts to bird use of Double Rock. Although black oystercatchers could potentially nest on Double Rock, the presence of nesting western gulls (a potential predator of oystercatcher eggs and young) would discourage such nesting, and oystercatchers are not known to nest there currently. Therefore, there is a low potential for impacts to oystercatcher young. In addition, impacts to a single brood of oystercatchers would not substantially impact the regional population, and thus such impacts would be less than significant in the unlikely event that such impacts were to occur.

In response to the comment suggesting that the Draft EIR acknowledge that mud flats are considered Special Aquatic Sites under Section 404 of the CWA, the first paragraph of Impact BI-4a on page III.N-56 of the Draft EIR has been revised as follows:

As detailed in Table III.N-4 (Impacts to Wetlands and Other Jurisdictional Waters of the United States [Section 404]) and depicted in Figure III.N-5 (Impacts to Wetlands and Other Waters), through site grading, materials laydown, facilities construction, vegetation removal, and installation of shoreline treatments, Project activities at Candlestick Point would permanently impact 0.29 acre of tidal salt marsh and 4.34 acres of Section 404 "other waters"; relative to existing conditions (i.e., prior to completion of remediation efforts by the Navy). Both wetlands and mud flats, the latter comprising a subset of Section 404 "other waters," are considered Special Aquatic Sites under Section 404 of the Clean Water Act. ...

With respect to comments regarding potential impacts of the bridge's approach roads on reptiles and the slender salamander, Impact BI-2 included the following statement on Draft EIR page III.N-53:

Local abundance of these species may decline in some areas due to a reduction in dispersal (resulting from trails, roads, and increased vehicular traffic and human presence) and possibly increased vehicular mortality, but all six of these species are regionally abundant, and the Project's impacts would have a negligible effect on regional populations. In addition, the new and improved parkland components of the Project would provide new and/or enhanced habitat for reptiles and amphibians, which would be a localized beneficial impact in portions of the site.

Thus, this impact was analyzed in the Draft EIR.

The commenter suggests that the biological resources impacts should have been analyzed in the context of the state park's function to preserve biodiversity. In Section III.N (Biological Resources), the Draft EIR analyzed impacts to biological resources on the entire site, including areas both inside and outside of the CPSRA. The significance of effects was gauged biologically rather than from the perspective of whether they occurred on one side of the CPSRA boundary or the other.

The commenter disagrees with the criterion for significance of impacts to wildlife that was used in the Draft EIR (i.e., whether or not the impact would result in substantial impacts to regional populations), arguing that wildlife species impacted by the Project may be regionally common but rare in the City of San Francisco. Impacts to biological resources were analyzed from a biological perspective rather than from the perspective of legal geographic boundaries. For example, virtually all of the bird species that use the site, as well as aquatic species present in adjacent portions of the Bay, either can move throughout the San Francisco Bay area (and beyond) or, in the case of more sedentary birds, are components of widespread populations in which genes and individuals are exchanged among sub-populations throughout the region. Impacts to these species resulting in loss of a small number of individuals in one small portion of the species' regional distribution are not expected to have substantial consequences for the regional population. The commenter suggests that based on this significance criterion, "all wildlife species could be eliminated from the site and yet have no significant ecological impact." The Project will have no such impacts. Rather, as described in Impact BI-2 on pages III.N-50 to III.N-55 of the Draft EIR, proposed revegetation and other measures will result in increases in many of the wildlife species currently using the site, birds in particular. The commenter suggests that many of the common wildlife species on the site are prey species for migratory and/or predatory birds. Impacts to raptors were discussed in Impacts BI-7a and BI-7b on pages III.N-76 to III.N-78 in the Draft EIR. As discussed in these impact sections, raptors that specialize on avian prey will benefit from the substantial enhancements in bird habitat provided by the planting of numerous trees and shrubs on the site, while MM BI-7b, described on page III.N-78, will mitigate impacts to grassland-foraging raptors to less than significant levels by ensuring that adequate acreage of grasslands and associated prey species are maintained and managed on the Project site.

The commenter suggests that the Draft EIR did not adequately describe the value of grasslands on CPSRA to birds and criticizes the discussion of the benefits of planting trees and shrubs and creating areas of multi-layered vegetation as a "generic statement of bird habitat needs." The value of multi-layered vegetation to bird diversity is well known, yet the commenter is correct in pointing out that structurally simpler habitats, such as grasslands, do provide valuable habitat to some species. For this reason, the Draft Parks, Open Space, and Habitat Concept Plan provided in Appendix N3 of the Draft EIR includes extensive grassland restoration and management on the site, and MM BI-7b, described on page III.N-78, requires the

restoration and management of such grassland on HPS to maintain grassland-associated species on the site. Given impacts to 48 acres of relatively low-quality, heavily disturbed grassland (much of which can be more accurately described as ruderal habitat given the degree of disturbance) on CPSRA and HPS combined, the provision of 43 acres of higher-quality, managed grassland on HPS (with the maintenance of additional grassland on CPSRA outside the Project's impact footprint) will adequately maintain the presence of grassland-associated species on the site.

The commenter states that the Draft EIR did not adequately identify cumulative impacts of the Project on wildlife in San Francisco. As discussed above, Chapter III.N analyzed impacts from a biological perspective rather than from the perspective of legal geographic boundaries. Furthermore, as described in Impact BI-2, for many of the common species using the site, the Project will result in a substantial increase in habitat value.

The commenter criticizes the Draft EIR for suggesting that native grasslands specifically managed for grassland species would provide higher-quality foraging habitat for raptors than the existing habitat. While the commenter is correct that raptors can forage successfully in habitats dominated by non-native plants (e.g., non-native annual grasslands), much of the grassland on the Project site is heavily disturbed, ruderal habitat. Replacement of this habitat with native grassland, and management of this grassland specifically for grassland wildlife species, will enhance foraging conditions for raptors relative to existing conditions. The commenter suggests that burrowing animals, which provide raptor prey, will have to be controlled on HPS to prevent them from penetrating any "cover" that will have to be placed over contaminated areas on HPS. The Project does not propose any such control of burrowing animals, as the EIR does not identify any potential significant impacts requiring such measures. On the contrary, the Project will ensure that any contamination remedy involving a cover on HPS does not preclude maintenance of burrowing animals on the site.

The commenter also suggests that restoration of grassland areas entirely to native grasses is unlikely to be successful, as non-native plants will invade these grasslands. The applicant recognizes the potential difficulty in preventing invasions, but will still commit to managing these grasslands with the intent of controlling invasions by non-native plants. The Lead Agencies disagree with the commenter's suggestion that plant invasions of these grasslands will be so great that the new grasslands will not provide habitat values superior to the existing, highly disturbed grasslands. For example, restored native bunchgrass habitat at Sunnyvale Baylands Park in Sunnyvale has been maintained for more than a decade despite the abundance of surrounding non-native grassland, and such native grassland provides habitat that is used by a variety of birds and mammals.

The commenter makes suggestions regarding modifications to the Project layout to reduce impacts to grasslands, then suggests that residual impacts to grasslands be mitigated by creation of grasslands at other, smaller sites in San Francisco. There is no evidence that creation of grasslands at other locations, especially other locations lacking the space for contiguous grassland management that will be present along the southern portion of HPS, would be more successful at creating high-quality grassland habitat than where such restoration is proposed on HPS.

The commenter suggests that the Yosemite Slough bridge and its approach roads will constrain movement of terrestrial animals between portions of the CPSRA and around the Project site as a whole. Impact BI-2 in the Draft EIR acknowledges that the Project will result in impacts to movement by less mobile species.

However, as discussed in Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]), the Yosemite Slough bridge has been designed to provide areas where wildlife can move under the bridge, and above the high tide line, to allow movement of wildlife past the bridge and its approach roads to continue.

The commenter suggests that large numbers of migratory birds may be impacted by vehicular strikes on the Project site. While some such mortality may occur, vehicle speeds on the Project site are not expected to be so high that bird-vehicle collisions will be frequent, and restrictions on use of the Yosemite Slough bridge to buses except on a limited number of game-days will further limit the potential for bird-vehicle collisions on the bridge. Furthermore, the benefits to birds of the substantial revegetation proposed by the Project will more than offset the low level of avian mortality expected to occur as a result of the Project.

Response to Comment 64-5

The commenter suggests that the removal of 23.5 acres of land from the CPSRA is a significant impact that was not adequately analyzed in the Draft EIR; that wildlife impacts from increased human use of the SRA were not adequately analyzed; and that the loss of 5.13 acres of grassland in the CPSRA is significant.

In the Draft EIR, Impact BI-2 did discuss the potential impacts of increased human use of the site on page III.N-50, as follows:

... Common species and habitats would be affected through the removal and construction of buildings, removal of trees, shoreline improvements, installation of trails, roads, and other facilities, construction and operation of the stadium and Yosemite Slough bridge, increased foot and vehicular traffic, installation of towers, and operation of stadium lights. ...

And also (regarding impacts to reptiles and amphibians on page III.N-53):

Local abundance of these species may decline in some areas due to a reduction in dispersal (resulting from trails, roads, and increased vehicular traffic and human presence) and possibly increased vehicular mortality, but all six of these species are regionally abundant, and the Project's impacts would have a negligible effect on regional populations. ...

And also (regarding impacts to birds on page III.N-53):

... Increased human use of the Project site may reduce abundance in aquatic habitats along the immediate shoreline, but ample aquatic habitat is present around the Project site, and, even without restoration, no substantial changes in common waterbird abundance (particularly relative to regional populations) are expected as a result of the Project.

As discussed previously, the restoration and management of 43 acres of grassland on HPS specifically for grassland associated wildlife species will adequately offset impacts to 48 acres of highly invaded, and in many areas heavily disturbed, grassland on CPSRA and HPS combined.

■ Letter 65: Joshua, Nyese (1/12/10)

1 of 6

Letter 65

Nyese Joshua
1411 Shafter Avenue
SF, CA 94124

January 12, 2010

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, Ste 400
San Francisco, CA 94102

RECEIVED
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CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

My name is Nyese Joshua, I have lived in Bayview Hunters Point since 1978. I am a native San Franciscan. I love this city. I am so disappointed with The California State SF Redevelopment Agency and all the combined political entities including the Navy for attempting to turn this Chernobyl site into a seemingly pristine Manhattan-style corner of San Francisco . I am disappointed because this project is clearly a 50 to 60 year project if done properly, including cleaning and replacing landfill so the whole shipyard is restored to residential standards. But, those in power somehow do not believe in God and instead believe that you can rush through a project of this magnitude and ignore the earth's changes, the toxic state of the site, and way this project will negatively impacted lives. It seems that the people have become acceptable as 'collateral damage' in the rush to build a new 49er stadium.

65-1

Here are my questions and concerns:

1) v. II I.B pg. I-1 History of Planning Process
"Over the past three decades, various planning and development activities..."

v. II I.C pg. I-7 Purpose of the EIR
"EIRs function as a technique for fact-finding, allowing...the public...collectively review and evaluate...project impacts through a process of full disclosure."

65-2

These two statements have not been complied with. It is not acceptable that a plan of this magnitude has not been more assertively advertised/presented to each and every household and business in the community.

I have lived in Bayview for 30 years. I should have received mailings from the Redevelopment Office regarding the Project Area, the EIR and all other related meetings. This has not happened. The community should not have to search out the Redevelopment Agency for meeting agendas and dates, that information should be bulk mailed via to every address in District 10 and certainly every address in the BVHP Project Area. This has not been done.

Redevelopment should be required to do a survey of a representative of every occupied property

2 of 6

private/public included in the BVHP Project Area to find out how informed or unformed the actual community is regarding this massive project.

2) v. II I.C pg. I-7 Purpose of the EIR continued...

"As stated in Section 15121(a) of the CEQA Guidelines, an EIR is an 'informational document' intended to inform the... local community..."

Without a direct bulk mail notification attempt to each and every private/public property to be impacted by the project how can Redevelopment prove it has, to it's fullest capacity, notified and made "the local community" aware of the mass scope of this project? Without surveying household representatives and other property representatives in the project area how can CEQA Guidelines for informational disclosure be met? There are approximately 38, 000 registered voters in District 10 these residents including myself were not notified by mail that the EIR had been released and informed that it is a public document that I as a local community member could comment on.

3) v. II pg II-19 Research and Development

"The research and development (R&D) district would include 2,000,000 gsf of research and development..."

Being that the United States has relatively nominal funding in comparison to other Countries allocated to Research and Development and that the Pfizer company moved its company to a new location laying of approximately 20 thousand workers, what is the Candlestick Point-Hunters Point Shipyard Phase II Dev. Plan alternative if the R&D industry continues to be under funded and does not produce the demand for the magnitude of "office space, and light industrial space, which would be marketed to attract emerging technologies..."?

4) v. II pg. II-17 Candlestick Point Center

"Candlestick Point Center would include buildings...including up to one subgrade level." Please address the issue of sublevel contamination problems that could arise due to liquefaction, sea level water rise, not remediation the underground contaminates that are capped?

5) v. II II.E.3 pg. II-34 Transportation Improvements

"Some of the transportation improvements would require property acquisition." Which specific improvements will require property acquisition? How many properties will be acquired? What is the total amount (in gsf) of property to be acquired? What specific properties will be acquired? Will any of this property be residential? Will any of these properties be local owned and businesses that currently provide jobs in the local community? How will this impact the existing community? Have the owners been notified that their property(s) are scheduled for acquisition under this plan?

5-a) v. II Transportation Demand Management Plan

Throughout the EIR the grand plan for transportation changes. There is no clear and detailed plan for transportation, even though the transportation work is going to have the first and immediate impact on the existing community. We need to be able to see the transportation EIR at the same time as this EIR in order to know how current residents will be impacted during the construction.

65-2
cont'd.

65-3

65-4

65-5

65-6

3 of 6

Those of us who live in this community need to know, how long will the transportation changes take, what new routes will be created for current residents to access parking, and entering and existing their homes and how will emergency access be affected during construction for these residents?

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65-6
cont'd.

5-b) v. II pg. 34 Transportation Demand Management Plan

"...the TDM plan would include measures to reduce the demand for travel during peak times. The TDM plan would include the following strategies....Transportation Coordinator and Website, Employee TDM Programs, Car pool/Van pools, Car share Services, Other Strategies." Being that the Transportation EIR has not been completed and the Bay Area Quality Management Dept is working on possible changes to emission release policies, how will this EIR adjust its TDM Plan once these reports/findings/policies are released? Which entity will be responsible for paying for the TDM Plan and its employees?

65-7

5-c) pg. II-35 Other Strategies - "Residential parking would be unbundled and sold or leased separately from the residential units." How does this EIR address the issue of the impact of overflow parking necessity to the surrounding area?

65-8

5-d) "Non-residential parking charges would vary according to market rates" Being that SF has been laying-off parking meter attendants what entity will manage and benefit from "non-residential parking charges"

5-e) "Exclusive bike lanes and frequent bus rapid transit (BRT) service would operate in dedicated lanes and with signal priority" What is signal priority?

65-9

5-f) v. II pg. II-35 "Regular periodic monitoring of TDM programs intended to encourage transit use and other alternative modes would be required, to measure effectiveness and to adjust programs to improve effectiveness" How does this EIR specifically address other plans to the TDM?

65-10

5-g) How does this EIR specifically address what happens in the event the current TDM plan does not sufficiently reduce excessive emissions, congestion, parking and other traffic pressures within this project area plan?

65-11

6) v. II pg. II-38 5. Yosemite Slough Bridge "...bridge would also have a 40-foot-wide greenway, which would be converted to four peak direction auto travel lanes...and would serve as an open space amenity on all non-game days" Besides this sounding like insanity, please specifically explain the impact of oil, emissions and other vehicle ground "dropping" on the realistic transition to a "open-space"? What type of specific human activity is planned for this open space? How will potholes be dealt with on this vehicle used "greenway"?

65-12

7) v. II pg. II-39 6. Transportation Management System

"A transportation management system would be implemented for use during 49ers Game...include the installation and coordination of signals at over 30 intersections" Please provide a map which shows exactly where these 30 intersections are and details how they will change on game day. How will these changes impact the surrounding community?

65-13

7-a) "A traffic control center near the 49ers Stadium would operate the system, connected to the larger SFMTA program." How and where would these systems inter-connect? Is the current SFMTA system compatible with the planned fiber-optic technology? Has this planned system inter-connection been studied and approved by the current SFMTA authorities? Who will manage and

65-14
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4 of 6

be responsible for the new system? Who will pay for the ongoing management of this system?
What is the emergency plan if either system fails on a game day?

↑ 65-14
cont'd.

8) v. II pg. II-39 Transit Services "Supported by Project revenues and infrastructure...SFMTA
proposes the following transit services:"

65-15

8-a) "Extending existing Muni bus routes to better serve the Project site" How can Muni extend its
services for this project when it is currently cutting services in SF? What is the anticipated budget
to operate Transit Services? How many years out is this anticipated budget? How will the Transit
Services be affected if the economy does not yield the anticipated "Project revenues" which would
be allocated to the Transit Services?

65-16

8-b) What "infrastructure" is this EIR specifically referring to? What "existing routes" will have
increased frequency? Again, how will that be accomplished with the budget of SF Transportation
Dept? What is the budgeted plan for all public transportation elements of this project?

65-17

8-c) "The Transportation Plan would propose new direct transit service to serve employment trips
to and from downtown SF." What are the specific proposed plans to be submitted? What is the
alternative if the proposed plans are not fiscally feasible?

65-18

8-d) pg. II-39 "A. Extended bus routes and new bus routes. Existing Muni routes 24-
Divisadero...would be extended to HPS Phase II" & pg. II-41 "E. Palou Avenue Transit Preferential
Street. One Muni line (24-Divisadero) would be extended along Palou Avenue to serve HPS Transit
Center. Transit-priority technology would be installed on Palou Avenue..." What exactly is "Transit-
priority technology"? How will that impact drivers on that street? How would the 24 line be
extended specifically considering that this line is currently an electric pole operating bus? Would
the electrical lines be extended to the Shipyard? Given that the community recently paid to have
all electric lines put underground, why would the city now plan to put wires up for the buses?
Have the residents of Palou been informed of this plan and been give an opportunity to respond to
this specifically.
What other ways would this change impact the residents of Palou and the immediate alternate
route streets such as, Quesada, Jennings, Keith, Lane, Ingalls and Oakdale?

65-19

8-f) v. II pg. II-41 E. Palou Avenue..."This would improve transit travel times...23 Monterey and 54
Felton, which would continue to operate on Palou Avenue but..." The 54-Felton does not operate
on Palou Ave. How will this EIR account for these types of bus line errors in its planning
projections? If these kinds of careless mistakes are being made in the EIR, it seems clear that more
substantial mistakes are being made in the planning process.

65-20

8-g) v. II pg. II-39 A. Extended bus routes..."New Downtown Express routes would connect both
Candlestick Point and HPS Phase II with the Financial District" What would this exact route be?
What exact bus lines would operate on this new express route?

65-21

9) v. II pg. II-43 Pedestrian Circulation "The Project pedestrian network, together with its land use
design, would encourage walking as a primary mode of transportation within the Project site."

65-22
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5 of 6

Currently city street lamps are on a rolling blackout schedule throughout BVHP some city streets are pitch black for extended lengths of time. Please address the issue safe lighting capacity as part of encouraging foot traffic? As part of connecting the existing community with the new development, will there be increased lighting on roadways that connect the new and existing communities? Please address green energy issues/requirements with regard to providing safe lighting standards within this new project area.

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65-22
cont'd.

10) v. II pg. II-46 Low-Pressure Water System "The potential off-site improvements would involve up-sizing existing pipelines within the rights-of-way on streets between Third Street and the project site." What are the exact streets "between Third Street and the project site"? Many businesses were displaced during the Third Street Light Rail installment. How will the remaining businesses be impacted by this project? What notification will be given to current businesses on Third Street that would be impacted by this proposed plan?

65-23

11) v. II pg. II-46 Reclaimed Water System
"Reclaimed water mains would be connected to the potable water system until a source of reclaimed water is developed by the City and delivered to the Project site." What is the time line for the city developing a reclaimed water system? What if the City is unable to develop and deliver this? Please provide long-term alternative to this plan.

65-24

11-a) "Candlestick Point and HPS Phase II are not currently served by the Auxiliary Water Supply System. Currently, there is a planned extension of the AWSS on Gilman Street from Ingalls Street to Candlestick Point." When is this extension planned to start? Which entity is responsible for this project? Has the immediate local community been notified of this specific project? How is the extension going to be paid for? What entity will pay for this extension?

65-25

12) v. II II.F.1 Abatement and Demolition "Demolition of existing structures within the Project site would occur from 2011 to 2024 on Candlestick Point..."

65-26

"Demolition activities would result in construction debris generated by the removal of structures, roads and infrastructure." How much of this debris is contaminated? What will the transportation route out of the community be for this debris? Where is the final site of the removed debris?

65-27

12-a) Candlestick Point - "Demolition activities at Candlestick Point would include demolition of the existing Candlestick Park...and structures on adjacent properties to be acquired, as well as demolition of the Alice Griffith public housing." What are the exact "adjacent properties to be acquired"? Are any of these properties residential? Will any businesses or people be displaced through these actions?

65-28

12-b) "Lennar Urban would be responsible for all demolition at Candlestick Point." Please include Lennar Urban's demolition in this EIR.

65-29

13) v. II pg. II-53 Hunters Point Shipyard Phase II - "The Navy would remove Piers B and C...in addition five buildings due to radiological concerns..."

65-30

6 of 6

14) Will the Navy remove these buildings before the land is transferred to the City and Lennar? What are the specific radiological concerns? What is the plan for transporting the radiologically contaminated buildings out of the community? Where will it be disposed of?

65-31

14-a) "Lennar Urban would remove existing surface improvements such as asphalt and concrete pavement, concrete sidewalk and other surface improvements." Are the current surface improvements as well as soil and debris under and around the radiologically contaminated buildings also contaminated? Is Lennar Urban prepared to handle radiological materials? How will workers be protected doing this work? How will the resulting debris be removed?

65-32

15) v. II pg. II-53 Site Preparation and Earthwork/Grading
"Depending on a number of factors, some soil would be transported off site for disposal and some soil may be transported on site." Please state the specific factors? What soil will be transported off site? How would the soil be transported off site? Where would the soil be disposed of?

65-33

16) v. II pg. II-54 Table II-12 footnote a. "The term "cover" as used in this EIR refers to a remedy requiring that the surface covers being installed...be maintained to prevent breaches." What entity is charged with long-term maintenance of the covers? How will long-term maintenance be assured? Will residents and business owners be educated on what a breach is and who to contact for repairs? How will community safety measures be guaranteed in the event that the covers become breached for any reason including 'Acts of God'?

65-34

17) v. II pg. II-54 Hunters Point Shipyard Phase II "Earthwork at the 49ers stadium location ...would be raised and graded by providing five feet of embankment over existing ground surface." Does the five feet in this EIR adequately address the water sea level rise projections released from the Copenhagen Climate Summit held in December 2009? Where will this huge amount of fill come from?

65-35

In closing, I liken this EIR to when Satan took Jesus up to the top of the mountain and showed him all the beauty of the land and sea and air that he would give to Jesus if He would just bow down to Satan's way. But, just as Satan's offer was riddled with empty promises that veiled his true destructive purpose so is this EIR filled with pretty pictures, incorrect maps, incorrect street references and on and on.

65-36

■ Letter 65: Joshua, Nyese (1/12/10)

Response to Comment 65-1

This comment primarily contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required. However, with respect to hazardous conditions at the Project site, refer to Section III.K (Hazards and Hazardous Materials) of the Draft EIR, as well as to Master Response 7 (Liquefaction), Master Response 9 (Status of the CERCLA Process), Master Response 10 (Pile Driving through Contaminated Soil), Master Response 11 (Parcel E-2 Landfill), Master Response 12 (Naturally Occurring Asbestos), Master Response 13 (Post-Transfer Shipyard Cleanup), Master Response 14 (Unrestricted Use Alternative), Master Response 15 (Proposition P and the Precautionary Principle), Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues), and Master Response 17 (Enforcement of Environmental Restrictions and Mitigation Measures), which also discuss hazardous materials, pile driving through contamination, conditions at the Parcel E-2 landfill, cleanup to unrestricted use (Proposition P), naturally occurring asbestos, ubiquitous metals issues, HPS radiation cleanup and restrictions, status of HPS CERCLA process, process for decisions and responsibility for cleanup, and notification regarding restrictions, contaminations, and releases or violations of mitigation measures.

Response to Comment 65-2

Refer to Response to Comment 84-11 regarding the public review period and the opportunities for public input.

The public noticing process for this Project has been in full compliance with the CEQA Guidelines, and has gone beyond the requirements of CEQA Guidelines Section 15087(a), which requires at least one of the following methods: in a newspaper of general circulation; in the area where the project is to be located; or direct mailing to owners and occupants of property contiguous to the project site. In addition to notifying responsible or trustee agencies, the Bayview Hunters Point communities were notified (all occupants and owners of zip code 94124, including the commenter). The City also published notices in the *San Francisco Examiner*. Surveys of residents to determine whether they are informed about the Project are beyond the requirements of the CEQA Guidelines.

Below is a description of the noticing process for the NOP and scoping meetings, and the same process was used to notice the availability of the November 2009 Draft EIR, as well as the public hearings on the Draft EIR. Chapter I (Introduction), Draft EIR page I-8, states:

The Agency and the City distributed the NOP on August 31, 2007, announcing its intent to prepare and distribute an EIR (refer to Appendix A [Notice of Preparation (NOP) and NOP Comments]). The NOP was distributed to responsible or trustee agencies in accordance with Section 15082 of the CEQA Guidelines. In addition, the NOP was also sent to organizations, companies, and/or individuals that the Agency and the City believed might have an interest in the Project. A copy of the NOP is included in Appendix A1 to this EIR. ...

Response to Comment 65-3

The Project has been planned to provide a variety of mixed uses that will provide employment and housing opportunities in a transit-oriented development. The Project was designed based on short- and long-term foreseeable economic and industry trends. It is anticipated that R&D space will continue to be in demand, despite the current economic downturn, as new technologies are developed. The Project is an integrated development that will be attractive to prospective employers given its proximity to transit.

Response to Comment 65-4

With respect to contamination on Candlestick Point Section III.K.2 (Setting Results of Environmental Investigations at Candlestick Point), page III.K-8 of the Draft EIR, states:

According to the California Department of Toxic Substances Control (DTSC) EnviroStor and State Water Resources Control Board (SWRCB) Geotracker online databases, there are currently no known, unremediated, or active hazardous materials release sites at Candlestick Point.^{276,277}

As such, no remediation is anticipated to be required at the Candlestick Point area.

Refer also to Master Response 7 (Liquefaction), Master Response 8 (Sea Level Rise), Master Response 9 (Status of the CERCLA Process), Master Response 12 (Naturally Occurring Asbestos), and Master Response 13 (Post-Transfer Shipyard Cleanup) for a discussion of liquefaction, sea level rise, the CERCLA process, and proposed further cleanup.

Response to Comment 65-5

Refer to Response to Comment 43-4 for a discussion of potential property acquisitions associated with roadway improvements identified for the Project.

Response to Comment 65-6

The proposed transportation changes, the Project's impacts to transportation, and mitigation measures to eliminate or reduce severity of impacts, where feasible, were presented in Section III.D (Transportation and Circulation) of the Draft EIR. Additional detail regarding transportation-related changes associated with the Project was provided in the Project's Transportation Study, included as Appendix D of the Draft EIR. Refer to Master Response 18 (Transit Mitigation Measures) for details regarding proposed roadway configuration and mitigation measures designed to reduce transit delays. Refer to Response to Comment 43-2, which describes the timing of the BTIP Draft EIR, which is unpublished at this time, relative to this Draft EIR.

Transportation-related construction impacts were presented in Impact TR-1, beginning on page III.D-67.

Response to Comment 65-7

The commenter suggests that the "transportation EIR" has not been completed. Section III.D (Transportation and Circulation) of the Draft EIR describes the transportation-related impacts of the Project. It is possible the commenter was referring to the BTIP Draft EIR, which has not been published. Refer to Response to Comment 43-2, which describes the timing of the BTIP Draft EIR relative to this Draft EIR.

The TDM program would be funded by revenues generated by the Project, through homeowners association dues, rents, etc. The commenter is correct that the BAAQMD is currently working on guidelines for measures to reduce greenhouse gas emissions, the policies included in the TDM plan are generally considered among the best practices with respect to managing travel demand.

Response to Comment 65-8

Parking impacts were described in Impact TR-35. As noted in Table III.D-20 (Summary of Project Parking Demand and Maximum Permitted Supply) and Table III.D-21 (Summary of Project Parking Shortfalls for No Minimum and Maximum Permitted Supply) the Project would result in a shortfall of parking of at least 2,316 spaces. Providing fewer parking spaces than expected peak demands is consistent with the City's "Transit First" policy and would likely serve to reduce automobile travel to and from the Project. However, as described on page III.D-124, it is possible that some drivers would seek available parking in the Bayview residential areas, increasing the peak occupancies of adjacent streets.

However, as also noted in the Draft EIR, the City of San Francisco does not consider parking supply a permanent physical condition, and changes in parking supply would not be a significant environmental impact under CEQA, but rather a social effect. Therefore, Impact TR-35 was determined to be less than significant.

The commenter notes that the City has been reducing its workforce of parking meter attendants and requests additional information related to the collection of parking fees for non-residential uses. SFMTA will continue to enforce parking meters in the Project area, similar to the rest of the City. Parking meter revenues are collected by SFMTA and go directly into SFMTA's budget.

Response to Comment 65-9

Transit priority signals would be equipped with devices to anticipate arrivals of transit vehicles, so that signal timings could be dynamically adjusted to improve the likelihood that transit vehicles get a "green" light. Similar systems have been deployed on other transit preferential streets in San Francisco, including Third Street and Mission Street. The effects to drivers at a given intersection are generally very minor; however, along an entire transit corridor, where the benefits to transit are cumulative, the technology can provide substantial improvements to transit travel times and reliability.

Response to Comment 65-10

The EIR and the Transportation Plan do not anticipate major changes to the TDM elements proposed as part of the Project. However, as the Project builds out and local, Citywide, and regional transportation patterns change, the TDM coordinator would have the flexibility to adjust the TDM Plan to better respond to traveler's needs and to get the best use out of the funding available.

Response to Comment 65-11

The forecasts for vehicle travel, transit usage, and bicycling and walking in the Draft EIR are based on forecasting models developed using the best scientific data available and have been validated based on observed behavior in the Bayview neighborhood and other neighborhoods in San Francisco.

The Project's TDM Plan, which would be approved as part of the Disposition and Development Agreement, would include a provision for monitoring the effectiveness of congestion-reducing and traffic-calming measures. As part of the annual monitoring of the measures and programs, the on-site coordinator, would, in cooperation with SFMTA, review the effectiveness of the Project's transportation measures and other traffic calming measures implemented in the project vicinity. If warranted, the on-site coordinator and SFMTA would consider implementation of additional traffic-calming and congestion-alleviating measures. Refer to Master Response 18 (Transit Mitigation Measures) for additional details and clarity on proposed mitigation measures designed to reduce transit delays and what would occur in the event that implementation of those mitigation measures would not adequately reduce delays.

Response to Comment 65-12

As shown in Figure III.B-3 of the Draft EIR, the Yosemite Slough bridge would serve as an open space amenity in that it would encourage pedestrian and bicycle access, along with transit (e.g., bus) access, through the use of a combination of hardscape (i.e., paved) and softscape (i.e., grassy) features. Figure III.B-3 has been revised in Response to Comment 31-3 to indicate the proposed Bay Trail around the Yosemite Slough. Within the width of the bridge, the wheel tracks would be paved, while strips in the center of the lane would be planted with grass. The bicycle and pedestrian paths would also have a combination of paved and unpaved surfaces, which would be complementary to the portion of the bridge intended for transit. The planted areas would either be stabilized with soil reinforcing fibers similar to in the dual-use lawn areas, which would provide shear strength to the soil, thereby minimizing rutting and potholes, or, alternatively, these areas could use a concrete turf block system that would not experience rutting or potholes.

In terms of oil and grease expected to be deposited by buses or cars, the grassy areas would be effective in breaking down pollutants, akin to the use of bioswales and stormwater planters in retention or detention basins. However, in the event that there are oil and grease spills, which would be more extensive than that deposited by normal use, some maintenance or replacement of the plantings may be required. Further, in terms of maintenance, the Yosemite Slough bridge, and other roadways, bikeways, and pedestrian walkways throughout the City would be maintained, as deemed necessary, by the City's Department of Public Works.

Response to Comment 65-13

Figure III.D-13 on page III.D-128 of the Draft EIR presents the Stadium Game Day Traffic Control Plan. Figure III.D-13 has been revised in Response to Comment 7-17 to reflect a transit only lane along Harney Way to Bayshore Boulevard. This figure illustrates 26 intersections throughout the Project area and the Bayview neighborhood that would be either manually controlled from within the Stadium's Transportation Management System or by an on-site Traffic Control Officer. The manual control would allow for efficient egress of game attendees from the stadium.

As noted in the Draft EIR, post-game traffic congestion would be severe immediately following games. However, the purpose of the proposed traffic signal control system is to improve the efficiency of traffic egress from the stadium, thereby minimizing the amount of time that the existing adjacent neighborhood is affected by game day traffic.

Response to Comment 65-14

The signals that would be operated from within the stadium Transportation Management Center would be connected to each other and to the center via underground fiber-optic wires. This is the same technology that SFMTA uses in other parts of the City to connect traffic signals to their main Transportation Management Center. The proposed Transportation Management Center within the stadium has been coordinated with SFMTA and SFPD, who have agreed that this is the preferred approach. The system would be similar to the Transportation Management Center currently operational at AT&T Park, which operates on baseball game days.

Funding for the capital improvements for the Transportation Management Center, the new traffic signals, and their connections to the Transportation Management Center would be provided by the Project Applicant. Operations of signals on game days would be controlled by SFMTA and SFPD officers. Funding for game day operation of the Transportation Management Center would be provided by the San Francisco 49ers.

Response to Comment 65-15

The comment is an introductory remark to Comments 65-16 through 65-21. No further response to this comment required. Refer to Responses to Comments 65-16 through 65-21.

Response to Comment 65-16

Refer to Response to Comment 50-28, which describes revenue sources for SFMTA to operate expanded transit services to the neighborhood. The budget projects that Project-generated revenues would exceed the costs of providing services (including transit service), resulting in a surplus of revenue to the City for at least 30 years. As part of the Project approval process, SFMTA will be asked to approve transit service changes as envisioned in the Project transit service plan.

Response to Comment 65-17

The transit infrastructure proposed by the Project was described in the Draft EIR on pages III.D-40 through III.D-50. Infrastructure includes new transit vehicles, the Hunters Point Transit Center, Bus Rapid Transit facilities, the Yosemite Slough bridge, Transit Priority Signals along Palou Avenue and the Bus Rapid Transit route.

The existing routes that would have increased frequency are described in the Draft EIR on pages III.D-48 to III.D-50. In summary, the Project would include frequency improvements to the following routes:

- 24-Divisadero
- 29-Sunset
- 48-Quintara-24th Street

In addition, although not part of the Project, frequencies on the T-Third would increase as part of the Central Subway project. The Project would also include three new transit routes:

- Candlestick Point Express (CPX)
- Hunters Point Express (HPX)
- New Bus Rapid Transit connecting to Balboa Park BART Station (28L-19th Avenue)

Refer also to Response to Comment 50-28 and Response to Comment 65-16, which describe revenue sources for operating expanded transit services to the neighborhood.

Response to Comment 65-18

As described on pages III.D-48 and III.D-50 in the Draft EIR, the Project would include new express service to Downtown San Francisco from Candlestick Point (via the new CPX) and Hunters Point (via the new HPX). These routes would make stops within the Project site, and just outside the Project site (the CPX would include stops at Executive Park along Harney Way and the HPX would include stops near Area C/India Basin), before continuing with express (non-stop) service to Downtown San Francisco.

Refer also to Response to Comment 50-28 and Response to Comment 65-16, which describe revenue sources for operating expanded transit services to the neighborhood.

Response to Comment 65-19

Refer to Response to Comment 52-6 regarding the definition of “transit priority technology,” plans for extension of the 24-Divisadero and potential extension of overhead wires.

The commenter also requests information regarding the extent to which residents have been informed of proposals. Over the past three years (as of the date of publication of this document), City staff have conducted more than 236 public meetings and workshops on the Project. In spring 2008, City staff held a series of four land use workshops on transportation, urban design and open space, which included the referenced proposal for Palou Avenue. Additionally, the City has conducted numerous Transportation Plan workshops with committees of both the PAC and CAC. Feedback has generally expressed a desire for better transit service, improved pedestrian amenities, and concern regarding project traffic impacts.

The commenter asks how the extension of the 24-Divisadero along Palou Avenue would affect residents of Palou Avenue and other adjacent streets. SFMTA Service Planning staff recommend the extension of the 24-Divisadero line, including the overhead wires, since it has been part of that agency’s long-term transportation plan, supported by voters in 2003’s Proposition K. For this Project, the extension of the 24-Divisadero provides a quiet, zero-emission and direct link to Bernal Heights, the central Mission, the Fairmont/outer Noe Valley area, the Castro (and Muni Metro subway), NoPa, Western Addition, the hospital hub along the Geary Corridor, and the Pacific Heights neighborhood that no other Muni line extension would provide, and does so without requiring a transfer. The impacts associated with the Project, including the proposed extension of the 24-Divisadero were described in Section III.D of the Draft EIR, particularly on Draft EIR pages III.D-106 to III.D-109, and III.D-125 to III.D-126. The impacts specifically of extending the overhead wires for the 24-Divisadero were found to be less than significant. In summer 2009, several street-specific community workshops were held in the Bayview Hunters Point and India Basin areas with focus on design and engineering treatment options for Palou Avenue among other corridors, and input from which has led to the final design decision for this street and the transit service of the 24-Divisadero line.

Response to Comment 65-20

The reference to the 54-Felton operating on Palou Avenue was a typographical error. The reference should be to the 44-O'Shaughnessy. In response to the comment, the text in Section II.E (Project Characteristics), page II-41, Item E, has been revised as follows:

E. **Palou Avenue Transit Preferential Street.** One Muni line (24-Divisadero) would be extended along Palou Avenue to serve Hunters Point Shipyard Transit Center. Transit priority technology would be installed on Palou Avenue including installation of new traffic signals. This would improve transit travel times and reliability on the 24-Divisadero and also the 23-Monterey and ~~54-Felton~~ 44-O'Shaughnessy, which would continue to operate on Palou Avenue ~~but would not be extended into the Project.~~

The revised text is consistent with the description in the Transportation Study. The error was purely typographical and does not affect the transportation analysis.

Response to Comment 65-21

Refer to Response to Comment 65-18 for discussion of the proposed CPX and HPX Downtown Express routes. The Downtown Express routes would be new routes, and would not affect existing transit routes. Pages III.D-48 and III.D-50 in the Draft EIR describe the proposed travel routes.

Response to Comment 65-22

In general, street lighting improves pedestrian visibility and personal security. It improves safety by allowing pedestrians and drivers to see each other. Streetscape improvements and street lighting could also lead to reductions in crime and fear of crime, and increased pedestrian street use after dark¹¹⁵.

In terms of lighting, pages III.E-69 through III.E-76 of the Draft EIR discusses the various types of lighting that would be provided at the Project site, including street lighting, lighting for public areas, security lighting, lighting for parking areas, lighting to highlight architectural elements, landscaping lighting, and building tenant and Project signage. In terms of providing adequate lighting that is also sensitive to environmental concerns, mitigation measure MM AE-7a.1 requires that lighting direction, lighting fixtures, and screening walls minimize light spill, and mitigation measure MM AE-7a.2 requires the use of low-level lighting. Further, as stated on page III.B-32 of the Draft EIR, the Project shall use "energy-efficient street lighting."

Response to Comment 65-23

Refer to Response to Comment 35-5 for a discussion of the adequacy of the off-site water system to deliver water to the Project site. The proposed off-site water distribution system would consist of 30- and 24-inch mains that will tie in to an existing 16-inch distribution main at four locations: Thornton Avenue, Williams Avenue, Paul Avenue, and Salinas Avenue. The improvements would occur in rights-of-way. All business owners would be notified by the Project Applicant in advance of any street blockages or other physical barriers that could affect customers' ability to patronize these businesses.

¹¹⁵ Landscape and Urban Planning magazine, Volume 35, Issues 2-3, pages 193-201.

Response to Comment 65-24

Page IV-182 of the Draft EIR, second paragraph, under Variant 4: Utilities Variant, states that

The wastewater treatment plants would use membrane bioreactors (MBRs) to treat wastewater, via a series of screens, anoxic and aerobic bioreactors which remove solids and convert nitrogen and ammonia compounds), a membrane filter, and disinfection via exposure to ultraviolet light ...

Page IV-182 of the Draft EIR goes on to say, also in the second paragraph:

... With approximately 1.1 mgd of anticipated wastewater flows, and assuming a 5 percent loss (via sludge disposal), the eleven decentralized plants would generate approximately 1.05 mgd of reclaimed water.¹²⁵⁸

The timing of the supply of recycled water is described on Draft EIR page III.Q-5, third paragraph, under the description of the Local Water Supply Improvements. Relative to recycled water, the Draft EIR states:

... Currently, the SFPUC is conducting a recycled water demand assessment on the east side of San Francisco. The assessment examines the potential uses of recycled water for irrigation, toilet flushing, and commercial applications.

The ultimate timing of the build-out of a recycled water facility to serve the Project depends on several factors and the successful completion of a number of phases. In the near term, SFPUC staff anticipates engaging in preliminary technical analysis regarding the siting of recycled water facilities to serve the Project, as well as other customers on the eastside of the City. These preliminary studies would be followed by a formal analysis of alternatives and identification of the preferred option, conceptual design, environmental review, detailed design, contracting, and construction. The SFPUC is interested in providing reclaimed water to appropriate uses within the Project site at the earliest practicable date relative to the occupancy of the development by a critical mass of reclaimed water users¹¹⁶.

As reinforced under the topic of Water Conservation, Draft EIR page III.Q-5, last paragraph, states:

In addition, the SFPUC is increasing its water conservation programs in an effort to achieve new water savings by 2018, consistent with the Phased Water Supply Improvement Program. The supplying of reclaimed water could be a component of the water conservation programs. ...

Refer also to Response to Comment 86-4.

Response to Comment 65-25

As stated in mitigation measure MM UT-2 on Draft EIR page III.Q-18, which is provided in its entirety below, the Auxiliary Water Supply System (AWSS) shall be installed prior to the issuance of occupancy permits:

MM UT-2 Auxiliary Water Supply System. Prior to issuance of occupancy permits, as part of the Infrastructure Plan to be approved, the Project Applicant shall construct an Auxiliary Water Supply System (AWSS) loop within Candlestick Point to connect to the City's planned extension of the off-site system off-site on Gilman Street from Ingalls Street to Candlestick Point. The Project Applicant shall construct an additional AWSS loop on HPS Phase II to connect to the existing system at Earl Street and Innes Avenue and at Palou and Griffith Avenues, with looped service along Spear Avenue/Crisp Road.

¹¹⁶ Personal communication between Michael Martin of the SFPUC and Derek Adams of the City and County of San Francisco Department of Public Works on March 12, 2010.

In general, infrastructure will be installed as development occurs, as illustrated by Figure II-16 of the Draft EIR. (Figure II-16 has been revised in Section F [Draft EIR Revisions] to reflect that site preparation activities would occur 1 to 2 years later than originally planned.) Lennar Urban is responsible for installation of the necessary infrastructure to support the Project. The Infrastructure Plan is described in Section II.E.4 as part of the Project Description. Further, the MMRP designates Lennar Urban (the Project Applicant) as the entity responsible for the implementation of mitigation measure MM UT-2, which includes the planning and design, construction, and operation of the on-site AWSS as specifically defined in the Infrastructure Plan. As further described in the MMRP, the City will be responsible for enforcement and monitoring of the AWSS, as well as the construction of the off-site improvements necessary to complete the system. In terms of notification, the community has been notified of this component of the Project as part of the overall environmental review and entitlement process.

Response to Comment 65-26

Comment noted. The quote from the Draft EIR is responded to in Response to Comment 65-27.

Response to Comment 65-27

Regulatory agency approved work plans will be developed for directing this work and will include measures for monitoring and managing hazardous materials and transporting impacted material appropriately, if present. Refer to Impacts HZ-1b, HZ-2a.2, HZ-8, HZ-10, HZ-12, and HZ-15 and mitigation measures MM HZ-1b, MM HZ-2a.2, and MM HZ-10b for further details.

Response to Comment 65-28

Refer to Response to Comment 43-4 for a discussion of potential property acquisitions associated with construction and/or implementation of the Project. There are five blocks with privately owned parcels which, if not acquired by the developer, would be allowed to develop via an owner Participation Agreement in a manner consistent with the BVHP Redevelopment Plan or allowed to continue under their existing use as a non-conforming use. Of these blocks, one block zoned RH-2 is vacant and there are no residences on the four other blocks zoned M-1 (which are contiguous). There would be no displacement of residents or businesses unless they agree to sale of the property.

Response to Comment 65-29

As stated on Draft EIR page II-50, last paragraph:

Demolition activities at Candlestick Point would include demolition of the existing Candlestick Park Stadium, associated parking lots, existing infrastructure, and structures on adjacent properties to be acquired, as well as demolition of the Alice Griffith public housing. Minor utilities would be abandoned in place or removed if they would interfere with installation of new infrastructure. Those include existing small-diameter combined sewer, the CPSRA sewer force main, storm drainage facilities, and low-pressure water main. Lennar Urban would be responsible for all demolition at Candlestick Point.

Demolition activities are described in Draft EIR Section II.F.1 (Abatement and Demolition), which is provided on pages II-50 through II-55 and includes associated tables and figures.

Response to Comment 65-30

The comment is acknowledged. No response is required.

Response to Comment 65-31

The City will not accept transfer of any property until the radiological cleanup, including radiologically impacted buildings, has been completed and approved by the regulatory agencies. Refer also to Master Response 9 (Status of the CERCLA Process) and Master Response 13 (Post-Transfer Shipyard Cleanup) for a discussion of the radiological investigation and cleanup process.

Response to Comment 65-32

Refer to Response to Comment 66-17 regarding radiological contamination of the site. Refer also to Master Response 13 (Post-Transfer Shipyard Cleanup) for further detail on radiological cleanup and ICs.

Response to Comment 65-33

If soil exceeds the cleanup level developed as part of the CERCLA process (refer to Master Response 9 [Status of CERCLA Process]) it would be managed and transported offsite for disposal at an appropriately licensed disposal facility in accordance with state and federal laws as indicated on page III.K-40 of the Draft EIR. Refer to Impacts HZ-1, HZ-3, and HZ-6 and mitigation measures MM HZ-1b.

Response to Comment 65-34

Refer to Master Response 9 (Status of the CERCLA Process), Master Response 10 (Pile Driving through Contaminated Soil), Master Response 11 (Parcel E-2 Landfill), Master Response 12 (Naturally Occurring Asbestos), Master Response 13 (Post-Transfer Shipyard Cleanup), Master Response 14 (Unrestricted Use Alternative), Master Response 15 (Proposition P and the Precautionary Principle), Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues), and Master Response 17 (Enforcement of Environmental Restrictions and Mitigation Measures) for a comprehensive discussion of cleanup on the HPS Phase II site, who will be responsible for the cleanup, the Parcel E-2 landfill, notification procedures, and site restrictions.

Response to Comment 65-35

Refer to Master Response 8 (Sea Level Rise) about the methodology for evaluating sea level rise. As reported in Response to Comment 52-4, soil will be imported from approved sources and will meet the guidelines for construction fill as specified by local, regional, and state guidelines. The type and extent of testing specified by these permits and guidelines will be followed. Transportation will be by truck and/or barge. California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), has identified procedures to minimize the possibility of introducing contaminated soil onto a site that requires imported fill material. In addition, Amendments to San Francisco Health Code Article 31, to include all of Hunters Point Shipyard, will require the preparation of a Soil Importation Plan that describes the procedures to be used to ensure that imported soil does not exceed established thresholds.

Response to Comment 65-36

This comment contains introductory, closing, or general background information that does not contain a direct comment on environmental issues. No response is required. Further, while the commenter generally refers to incorrect maps and incorrect street references, there is no specific reference to where there is a potential inaccuracy; therefore, no response can be provided.

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■ Letter 66: Tello, Juana (1/12/10)

1 of 8

Letter 66

Juana Tello
1778 Newcomb Ave
San Francisco Ca 94124

January 12, 2010

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street Ste 400
San Francisco CA 94102

RECEIVED

IAN 12 2010

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PLANNING DEPARTMENT
RECEPTION DESK

Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

I have been a resident of the city of San Francisco all my life; specifically residing in Bayview Hunters Point since 1999. I am submitting comments with particular concerns with the inadequacy in the Candlestick Point-Hunters Point Shipyard Draft EIR around the levels of contamination in the soils, the plans for constructions and the remediation of that site. The Bayview Hunters Point Shipyard is a **Nationally recognized Superfund Site** that has contributed to the surrounding community's health disparities, which include (but not limited to) cancer, asthma and respiratory problems.

66-1

Parcels E and E-2 are known to be two of (if not thee most) contaminated parcel(s) on the entire shipyard. The *known* lists of contaminants that are stated in the EIR are below:

“The chemicals of concern at Parcel E include metals and organic chemicals such as VOCs, PAHs, PCBs, and pesticides. The chemicals of concern at Parcel E-2 include metals, PCBs, SVOCs, pesticides, and petroleum hydrocarbons. The radionuclides of concern associated with Parcel E-2 include cobalt-60, cesium-137, radium-226, and strontium-90” (Section III.K-22).

66-2

Some of these contaminants are known carcinogens. The *full* list of contaminants on parcel E and E-2 are still unknown. According to the EIR,

“The Navy has completed the RI [Remedial Investigation]/FS [Feasibility Study] process at all parcels **except Parcels E and E-2**. A draft FS has been completed for Parcel E, and a draft final RI/FS has been completed for Parcel E-2. The Navy often does not wait for the RI/FS process to be complete before commencing physical cleanup activities. The Navy has completed numerous time critical (and non-time critical) removal actions and treatability pilot studies in the evaluation of alternatives for remediating the IR [Installation Restoration] sites (Section III.K-11)”.

- How do we know the Navy will remediate the soils properly, if the full list of contaminants are still unknown? How can they adequately clean that site, if they don't know what's there?

66-3

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- What criteria will the Navy and the developer use to determine that Parcels E and E-2 are sufficiently remediated for open space use, given that this area is adjacent to housing and/or a stadium. How will soils from parcels E and E-2 be separated or differentiated from its adjacent Parcels G, UC-1, D-1 and D-2? 66-4
- Given that open space requires less remediation than space used for residential purposes, what measures will be put in place to make sure that contamination from the soils at Parcels E and E-2 will not spread or seep into its adjacent Parcels G, UC-1, D-1 and D-2? (Especially since the Stadium borders Parcel E's open space). 66-5
- Please provide diagrams that zooms in on Parcels E and E-2 and its adjacent parcels that layout measures for preventing that contamination is spread below ground. Please provide an image similar to Figure II-25 in Section F, which allows for a **view of the depth** of excavation (with variant images that provide a view of depth that include illustrations of the groundwater containment and extraction system at the southeast portion of the landfill and the multi-layer interim cap). 66-6

Plans for development on parcels E and E-2 are proposing that these parcels be used as open space. According to the EIR, area(s) where the proposed stadium would be would turn into "additional housing if a new stadium were not built (P I-5)". The voters of the San Francisco adopted Proposition P, calling for clean up of the shipyard to "unrestricted use" which would allow housing. The EIR fails to provide an analysis of an alternative that would allow housing on all parcels of the shipyard.

- Provide an analysis of how the Shipyard will be cleaned to residential use.
- *What other questions?*

Adjacent to parcels E and E-2, will be either a stadium or (in the plan alternatives) more residential housing.

The following diagrams in the Draft EIR, highlight the phased development at the Hunters Point Shipyard and indicate that Parcel E and E-2 would be developed **after** their adjacent parcels:

- Chapter II, Project Description, Figure II-16 (II.F-51)
- Chapter II, Project Description, Figure II-17 (II.F-52)
- Chapter IV, Project Variant, Figure IV-4 (IV-13)
- Chapter IV, Project Variant, Figure IV-10 (IV-81)

As stated in the EIR, "...full remediation of the entire HPS Phase II site is not anticipated until after commencement of Project-related construction activities on, and perhaps occupancy of, portions of HPS Phase II (III.K-72)...occupants or visitors at or near portions of HPS Phase II where remediation activities have not been fully completed could also be exposed to hazardous materials as a result of remediation activities (III.K-73)."

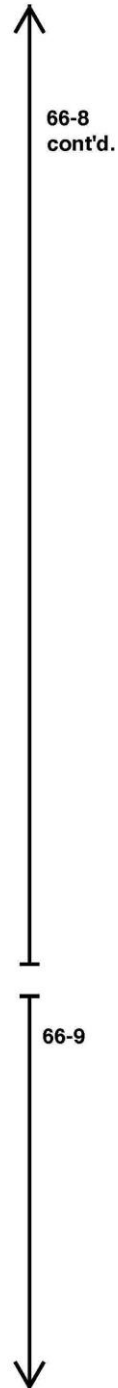
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Based on the Development Schedule laid out in this EIR, parcels E and E-2 will be developed **after** the housing structures in their adjacent parcels, with the possibility of occupancy.

- Please indicate the purpose of this fence. How will this fence prevent the airborne contaminants from spreading? How tall will this fence be? What material will be used for this fence?
- Please provide a diagram of the fenced areas of the HPS Phase II sites where remediation will happen simultaneous to the occupancy and public use of spaces near those sites.
- Will occupants have adequate information regarding the development and remediation of Parcels E and E-2? Will occupants be given this information prior to purchasing/occupying residencies at the Shipyard? What is the timeline for notice of these occupants?
- What criteria have been used to determine the timeline of phased development for the entire project? Due to the level of contamination, why aren't parcels E and E-2 the priority for remediation?
- Please provide a timeline that illustrates specific and independent parcel by parcel development (with all the appropriate stages, i.e. Demolition, & Abatement, Utilities & Infrastructure, Structural Shoreline Improvements) that allows more detail to each specific parcel, for side-by-side development comparison
- If Phase I of the development is at Parcel A of the Shipyard, and the first housing expected under phase II will be the rebuild of Alice Griffith housing, at what point will additional housing be built in sufficient levels to bring in neighborhood services such as grocery stores, open space/recreational facilities, etc.?

According to the EIR, "...remediation program have required interim measures to be put in place in areas that still require remediation. This would ensure that while remediation continues, the site would not pose a risk to persons or the environment outside of the ongoing remediation locations. Those measures include numerous actions to remove hazardous materials from soil and groundwater at the site, cleaning up shoreline debris, placing a temporary cap on the landfill at Parcel E-2 and securing areas still undergoing remediation with fencing (III.K-72)."

In the section on schools within One-Quarter of a mile from the HPS , the EIR states, "...hazardous building materials are likely to be present in older structures within the Alice Griffith public housing site and could include asbestos-containing materials, lead-based paint, PCBs, and fluorescent lights containing mercury vapors. Demolition or renovation of existing structures could result in potential exposure of students, teachers,



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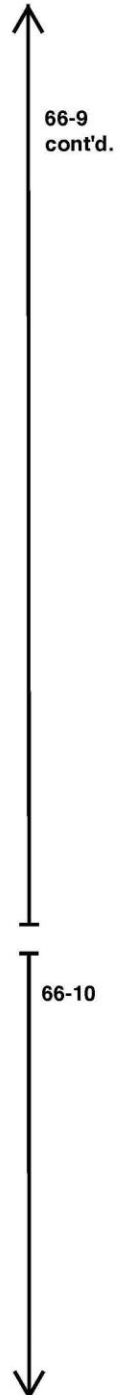
staff, and visitors at the school [Bret Harte Elementary School] to hazardous building materials during construction, without proper abatement procedures (111.K-105).”

- Remediation programs are supposed to ensure that there would pose no risk to surrounding people or locations outside of the remediation sites; however, a little more than 30 pages further from that same statement, the EIR states that students, teachers and visitors of the Bret Hart Elementary School would likely be exposed to hazardous building materials from the renovation at Alice Griffith public housing.
 - This school specifically is vulnerable to the air emissions (contaminants) and totally dependent on the mechanisms that minimize exposure.
- What plans are there for immediate notification of any failures of the contractors/developers on Candlestick Point and HPS Phase II to comply with the regulations and guidelines?
- What measures are there to advise the schools of measures that can be taken to protect the health of the students, teachers, staff and visitors?
- What measures for immediate notification and protocol will be put in place for notification of failures to comply with regulations and exceedances of exposure to the surrounding Bayview community (residents on Gilman, Fitzgerald, Hawes, Egbert and other impacted streets)?
- Will air monitoring be done carried out by government agencies or private contractors? Assuming either one, what frequency will occupants and the larger Bayview community receive air-monitoring reports?

The information laid out in the EIR regarding on site remediation is not adequate in addressing airborne contaminants and vapors. Besides physical removal of soil and placing a temporary cap on those areas, the only other protection that surrounding people, workers, occupants and schools are that the development will be “securing areas still undergoing remediation with fencing”.

Based on the history of exposure of contaminants to the larger Bayview community not on the shipyard, with inadequate fencing:

- How is fencing still an option for on-site remediation, given the history of exceedances of exposure to the surrounding schools and residents of Bayview Hunters Point? How will these measures be any different (more efficient) than the other strategies/tactics to minimize exposure?
- What will be done to protect occupants and workers in the area from exposure to toxic dust (or airborne particulates) while the work on parcels E and E-2 is happening?
 - Will the employed workers at the HPS Phase II development site be given proper training to deal with the contaminants? What does this training include? What



protective gear will these workers have to protect themselves from airborne contaminants?

- Will air monitoring be carried out by government agencies or private contractors? Assuming either one, what frequency will occupants and the larger Bayview community get these air-monitoring reports?
- What is the OSHA required protection that must be provided to workers at this radiological impacted parcel? Will similar protection be extended to the residents in the potential housing on the neighboring parcels?
- Figure III.K-25 is inadequate in laying out the specific land use of the various areas within the HPS Phase II site. Please provide map(s) that layout **both** Shipyard Parcels **over** the proposed project development (construction) plans, with a key/legend that specifies the **land use(s)**.

In Section II.F.1 on Abatement and demolition, the EIR states:

“In total, approximately 971,787 tons of construction debris would be generated, including 424,681 tons from Candlestick Point and 547,104 tons from HPS Phase II. Most of the construction debris (45 percent) would consist of concrete, with the remaining debris consisting of wood (17 percent), steel (18 percent), and other miscellaneous debris (20 percent). It is assumed that the concrete debris would be recycled on site as a pipe bedding or road base; the wood debris would be chipped and sent to the local landfill for disposal; and the steel would be recycled off site for other uses (II-50).”

- Where will the debris be stored and for how long? What is the protocol for protecting this contaminated debris?
- How long will this debris be stored for? 5 years? 10 years?
- We have already seen that debris in Candlestick Park has been left as a big pile of dirt for years. Will debris taken from Candlestick be transported to the Shipyard? If so, what volume of dirt will be moved?
- What is in the miscellaneous debris?
- Will Shipyard occupants and the surrounding Bayview communities receive direct information about this debris, its storage, and the plan for removal? What notification will be given to residents in Bayview that are included in the route for removal of this debris?
- Please provide maps for locations of debris storage
- Please provide a timeline and route for the removal of debris



66-10
cont'd.

66-11



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- Where will the debris **not** left on site, be taken? What will happen to this debris after its removal? What steps will be taken to protect the community and environment where it is moved?

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66-11
cont'd.

The EIR states that, “The major components of the soil remedial actions are: excavating contaminated soil with off-site disposal, and covering with clean soil or other impervious surfaces such as pavement, concrete, or buildings...continuing the removal of radiological contaminated building materials and soils; and implementation of Institutional Controls (ICs) to limit exposure to contaminated soil and groundwater by restricting specified land uses and activities on the parcel (III.K-15).”

66-12

- What hazardous materials will remain in each parcel? What criteria will be used to determined safe levels of exposure?
- What hazardous materials will remain in Parcels E and E-2, given that the initial list of contaminants in the soil prior to remediation is still unknown?
- Please provide a chart listing all remaining hazardous materials in each parcel.
- Please provide diagrams and explanation for the demarcation layer mentioned in Section III.K-18

The EIR clearly acknowledges that Parcel E is a an area created by landfill:

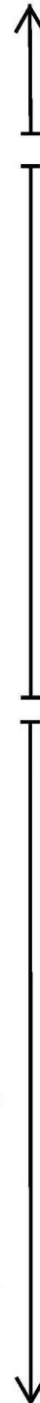
66-13

“Nearly all of the Parcel E land area was created using artificial fill... From 1958 to 1974, the landfill received liquid chemical waste, asbestos, domestic wastes and refuse, dredge spoil materials, sandblast grit, solvent wastes, and low-level radioactive wastes from shipboard radium dials, including electronic equipment (Section III.K-22).”

The EIR also acknowledges that the proposed project site as a whole is vulnerable to liquefaction:

“The Project site is in an area of San Francisco that has been designated as potentially liquefiable. As depicted in Figure III.L-1, the majority of the Project site is covered by lowland soils and artificial fill, which is the most susceptible soil layer for liquefaction (Section III.L-15).”

- How will the proposed Institutional Controls (ICs) such as covers and caps be affected by possible earthquakes and liquefaction?
- Has the Project studied whether tectonic activity could breach these covers and caps, releasing hazardous materials? If so, please include those studies in the EIR, with proper illustrations of tectonic plates, with a view of depth and potential impact to cause liquefaction.



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- How will the Project guarantee reasonable protection of public safety on this issue?
- What is the emergency evacuation plan for occupants of the Hunters Point Shipyard housing and retail stores, in the event of a massive earthquake (or other situations where contaminated vapors rise from underground)? How will this evacuation plan differ from others, given that there will still be some unknown level of contamination left in the soil?
- What notification protocol will be put in place to notify the larger Bayview community and San Francisco residents about any possible liquefaction or earth-movement-related occurrences that can result in rising hazardous materials?

“In Parcel E-2, the Navy has installed a groundwater containment and extraction system at the southeast portion of the landfill to reduce the potential for release of chemical constituents into the Bay. This system includes sheet piling and a groundwater extraction system to control potential mounding of shallow groundwater at the southern end of the landfill (Section III.K-23).”

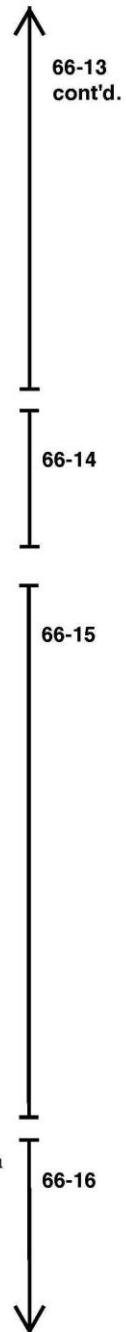
- Please provide a map and illustration that breaks down the extraction system

“A multi-layer interim cap was constructed on a portion of the Parcel E-2 Landfill to prevent oxygen intrusion and extinguish smoldering subsurface areas following a subsurface fire that burned for several months in 2000. Following characterization of the nature and extent of landfill gas, a landfill gas barrier and monitoring system was constructed at the northern end of the landfill to prevent methane gas migration from reaching the University of California San Francisco (UCSF) facility adjacent to parcel E-2 (the UCSF facility is outside of HPS Phase II), (Section III.K-23).

- Please explain how the multi-layer interim cap works, and how it prevents oxygen intrusion
- Please provide a map that illustrates the area that this multi-layer interim cap will cover
- Please provide an illustration of the multi-layer interim cap, with a view from its depth (that is shown in feet), that separates and explains the layers of soils
- What is the overall plan to measure to prevent landfill gas from rising up into the open space areas? What are the criteria to measure exposure of vapors and airborne contaminants in this specific area that will not be cleaned to residential standards (only to open space standards that require less remediation)?
- Please provide further explanations, maps and illustrations of this landfill gas barrier and monitoring system.

“The draft PPs and RODs for E and E-2 are expected in the 2010–2011 timeframe. Remedial design plans and completion reports will be developed and are anticipated in the 2012–2014 timeframe (Section III.K-24).

Given the above statement about the release of the PP (proposed plan) and the ROD (record of decision):



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- How can the impacts of hazardous material be fully addressed with out completion of the ROD?
- How will the results of the ROD impact the project plan? What information from the ROD will be pertinent to the Bayview community?
- What is the procedure if the ROD uncovers more areas of severe toxicity?

↑
66-16
cont'd.

The EIR includes several radiological investigations and evaluations of the HPS site as a whole, with the following conclusion:

66-17

“The HRA identified the following potentially contaminated media: surface soils, subsurface soil and media, structures and drainage systems. The assessment concluded, however, that there was no concern for airborne contamination from the potentially contaminated media in their undisturbed state (III.K-27).”

These investigations clearly state there is no potential airborne contamination from this media, **if it is not disturbed.**

- Why didn't these studies include the *known* possibilities that this media would be disturbed, which is necessary for any construction to be done?

It is important to address and respond to all issues, questions and concerns outlined above. I look forward to reading the answer and looking over diagrams that have been requested.

Sincerely,



Juana Teresa Tello

■ Letter 66: Tello, Juana (1/12/10)

Response to Comment 66-1

Refer to Master Response 5 (Health of Bayview Hunters Point Community) for a discussion of health disparities in HPS/Bayview Area.

Response to Comment 66-2

The comment correctly cites the Draft EIR; therefore, the comment is acknowledged. No response is required.

Response to Comment 66-3

Refer to Master Response 9 (Status of the CERCLA Process) and Master Response 13 (Post-Transfer Shipyard Cleanup) for a discussion of the radiological investigation and cleanup process.

Response to Comment 66-4

Refer to Master Response 9 (Status of the CERCLA Process), Master Response 11 (Parcel E-2 Landfill), and Master Response 13 (Post-Transfer Shipyard Cleanup) for a discussion of the radiological investigation and cleanup process.

Response to Comment 66-5

Soil and groundwater contamination and cleanup are addressed as part of the CERCLA process (refer to Master Response 9 [Status of CERCLA Process] and Master Response 13 [Post-Transfer Shipyard Cleanup]). Barring a seismic or earth moving event (refer to Master Response 6 [Seismic Hazards] and Master Response 7 [Liquefaction]), soil typically remains in place though contaminants in soil may leach to groundwater or volatilize into soil gas and then migrate depending on the chemicals and conditions present. The CERCLA investigation and cleanup process takes these factors into account in developing protective remediation and monitoring programs which are approved by state and federal regulatory agencies.

Response to Comment 66-6

For diagrams on the current conditions at Parcels E and E-2 refer to Barajas and Associates, *Final Revised Remedial Investigation Report for Parcel E Hunters Point Shipyard*, May 2, 2008; and Engineering/Remediation Resources Group, *Draft Final Revised Remedial Investigation Feasibility Study Report for Parcel E-2*, February 1, 2009. These reports are on file for public review at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor as part of File No. ER06.05.07, or at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, CA, 94103 as part of File No. 2007.0946E. The future Remedial Designs for Parcels E and E-2 will detail the methods, such as excavation, and specifications, such as depths, to be used in cleanup of these parcels.

Response to Comment 66-7

Refer to Master Response 14 (Unrestricted Use Alternative) and Master Response 15 (Proposition P and the Precautionary Principle) for discussions of an unrestricted use alternative and Proposition P, respectively.

Response to Comment 66-8

As the Draft EIR states in Impact HZ-8, the FFA Signatories overseeing the remediation program have required various interim measures to be put in place in areas of ongoing remediation to ensure persons outside ongoing remediation sites are not at risk. Securing areas still undergoing remediation with fencing is one standard security measure required. The purpose of the fence is to provide site security, preventing unauthorized access (refer to Table III.K-2, Methods to Reduce Effects of Conventional Excavation/Temporary Stockpiling). The fence is not intended to prevent airborne contaminants from spreading; other measures discussed in Impacts HZ-6b and HZ-15 serve that purpose. Figure II-16 presents the proposed site preparation schedule. Refer to this figure, and note that fencing will be one of many measures used whenever any of the depicted sites have ongoing physical remediation. (Figure II-16 has been revised in Section F [Draft EIR Revisions] to reflect that site preparation activities would occur 1 to 2 years later than originally planned.)

The remediation work will be conducted following Remedial Design work plans or Risk Management Plans that have been approved by regulatory agencies and will outline the methods that will be used to minimize dust emissions. The Remedial Designs will specify the details for the fencing to be used and will include plans and diagrams outlining where the fencing will be placed relative to occupied and public areas. A typical fence used for this purpose would be wire mesh fencing approximately 7.5 feet tall with the fence posts encased in concrete if the fence will remain in place for an extended length of time. The fence will be signed with notification that hazardous materials are present and who to contact for more information. Refer to Impacts HZ-1a, HZ-2a, HZ-10, HZ-12, HZ-15, and HZ-17 and mitigation measures MM HZ-1a, MM HZ-2a.1, MM HZ-10a, MM HZ-10b, MM HZ-12, MM HZ-15, and MM HZ-17 for further details. Refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) for a discussion of notice provisions for occupants.

Many factors are used to determine how development is phased, but in all instances, development will not occur in a location if doing so would be inconsistent with the restrictions on the parcel as required by the Navy cleanup documents approved by the regulatory agencies. As stated in the Draft EIR, those restrictions are designed to protect not only occupants and visitors on the parcel itself, but also those on nearby property (Section III.K.4, page III.K-73). As to the remediation of Parcels E and E-2, the Navy controls that remediation, and it is not a part of the Project. A timeline with the requested specificity is not available at this time, but refer to Impact HZ-8 for more detail on the handling of related impacts.

The criteria used in determining the development timeline include the amount of environmental investigation that has been conducted, the contamination present on each parcel and the cleanup that has been completed to date. Master Response 9 (Status of CERLCA Process) presents a summary of the CERCLA cleanup process and the status of each parcel in the various stages of the CERLCA cleanup process. Parcels B and G have decision documents or Records of Decision completed and approved by

the regulatory agencies, have already undergone cleanup actions, and are undergoing remedial design for final cleanup. These parcels will gain closure from the regulatory agencies once cleanup has been completed at which time property transfer and redevelopment can commence. Parcels which are still undergoing decision document preparation will not be ready for transfer until cleanup has been completed and approved at some date in the future.

Figure II-17 (Proposed Building and Parks Construction Schedule) of the Draft EIR illustrates the phasing of parks and open space relative to the other development proposed as part of the Project. The first two phases of development, expected to be completed by 2023, would develop HPS with residential uses, neighborhood retail, approximately half of research and development uses, artists' studios/art center, more than half of community services uses, and a stadium. By 2027, the same types of uses would be completed at Candlestick Point (but without a stadium). Therefore, neighborhood services would be developed as residential uses are developed. (Figure II-17 has been revised in Section F [Draft EIR Revisions] to reflect that building construction activities would occur 1 to 2 years later than originally planned.)

Response to Comment 66-9

The comment that building renovations are likely to expose Bret Hart Elementary School to hazardous building materials mischaracterizes the analysis in the Draft EIR. As the commenter notes, Section III.K.4, Draft EIR page III.K-105, states that:

... Demolition or renovation of existing structures could result in potential exposure of students, teachers, staff, and visitors at the school to hazardous building materials during construction, without proper abatement procedures. ...

That statement is offered to describe Impact HZ-18a, which is considered less than significant with mitigation. The Draft EIR continues:

... To reduce the potential for the school site to be exposed to hazardous air emissions, the Project would comply with regulations and guidelines pertaining to abatement of and protection from exposure to asbestos and lead, as discussed under Section III.K.3 (Regulatory Framework) would be complied with, as appropriate. Implementation of applicable regulations and standards would ensure that hazardous air emissions from structures to be demolished would be minimized. Therefore, impacts would be less than significant, and no additional mitigation is required.

For a discussion of dust monitoring under the Dust Control Plan and Asbestos Dust Mitigation Plan as well as clarification of protocols for providing notification to property owners, schools, and residents under the plans, refer to Master Response 12 (Naturally Occurring Asbestos), and Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues).

Also refer to Impacts HZ-2a.2, HZ-10, and HZ-15 and mitigation measures MM HZ-2a.2 and MM HZ-10 for further details.

Response to Comment 66-10

As stated in Response to Comment 66-8, the purpose of the fence is to restrict access to the remediation area. The fence will not be used to prevent airborne contaminants from spreading. The remediation work will be conducted following remedial action work plans or Risk Management Plans that have been approved by regulatory agencies and will outline the methods that will be used to minimize dust emissions

and manage risks associated with the remediation activities. Required worker training and worker protective gear to be used to protect workers from radiological and other contaminants will be outlined in Project-specific Health and Safety Plans. Potential risks to residents on neighboring parcels will be managed through proper site control, monitoring and regulatory oversight. Monitoring results will be available to the community through Navy and City community participation programs and through regulatory agencies. Refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) for a discussion of additional notice requirements to be implemented in the community.

Monitoring will take place as determined necessary by the BAAQMD pursuant to mitigation measure MM HZ-15. It is likely that monitoring will be performed by private contractors under the supervision of government agencies. For a discussion of dust monitoring under the Dust Control Plan and Asbestos Dust Mitigation Plan, as well as clarification of protocols for providing notification to property owners, schools, and residents under the plans, refer to Master Response 12 (Naturally Occurring Asbestos), and Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues). Also refer to Impacts HZ-2a.2, HZ-10, and HZ-15 and mitigation measures MM HZ-2a.2 and MM HZ-10 for further details.

The Navy's remediation of Parcels E and E-2 and the Occupational Safety and Health Agency (OSHA) requirements pertaining to that work are not part of the Project. Remediation work on sites containing radiological contamination is ongoing as part of the Navy cleanup program. That remediation work and the OSHA requirements applicable to it are not part of the Project. Prior to property transfer and development, all radiological cleanup will be complete. The Navy will use control measures listed in Table III.K-2. Such measures include, for example, air monitoring and engineering controls, health and safety plans, covering soil stockpiles, etc. Refer to the table and specifically to methods designated to reduce environmental effects for Parcels E and E-2 for further detail. Also refer to Response to Comment 66-8 for a discussion of impacts associated with phased development. Refer to Master Response 13 (Post Transfer Shipyard Cleanup) for more detail on the Navy's radiological cleanup. With respect to protecting neighboring residents, refer to above regarding exposure to toxic dust.

The commenter references Figure III.K-25; however, since the figure numbering for Section III.K (Hazards and Hazardous Materials) ends with Figure III.K-5, it is likely the commenter intended to reference Figure III.K-5. The commenter requests a figure that shows the Navy Parcels overlain on the Project's land use plan. Figure III.K-5 (Hunters Point Shipyard Phase II Navy Parcel Overlay) and Figure III.K-6 (Status of CERCLA Process) provide such illustrations.

Response to Comment 66-11

Construction debris would be sorted and temporarily stockpiled in areas slated for development in later years. Any reusable materials would be retained for later reuse, any recyclable materials would be transported to an approved recycling facility, and non-reusable construction debris would be removed within approximately five years and disposed of at an approved landfill that has been permitted for disposal of such material. Miscellaneous debris, such as non-recyclable metal debris, building materials containing lead paint and asbestos, treated wood materials considered potentially hazardous, glass, plastic and electronics (needing specialized recycling), would be disposed of in accordance with all hazardous waste disposal laws. It is not anticipated that any construction debris would be moved between Candlestick Point and Hunters Point Shipyard.

All stockpiles would be established and maintained using standard best management practices as described in the Risk Management Plan (RMP) and Soil and Groundwater Management Plan (SGMP), respectively. The SGMP for the Candlestick Point site would be prepared by the Applicant, as required by City Ordinance (in Articles 22 and 31 of the Municipal Code) and approved by the City prior to any site construction as part of the demolition and grading permitting. The RMP would be prepared as part of the ROD, which is a public document that explains which cleanup alternatives will be used for a Superfund site. The ROD is created from information generated during the Remedial Investigation/Feasibility Study (RI/FS). A ROD contains site history, site description, site characteristics, community participation, enforcement activities, past and present activities, contaminated media, the contaminants present, scope and role of response action and the remedy selected for cleanup. The RMPs for Hunters Point site will be completed by the Applicant and approved by the Regulatory Agencies prior to Navy parcel transfer as required by the site specific ROD documents for each Navy parcel.

Specific information regarding the constituents of the debris, the storage methodology, the storage locations, and disposal methods would be provided in the RMP and SGMP prior to site demolition or construction. In terms of haul routes, it is anticipated that trucks would primarily use Harney Way to enter or leave Candlestick Point and the Innes/Hunters Point Blvd/Evans corridor to enter or leave Hunters Point Shipyard.

Response to Comment 66-12

For a discussion of residual contamination following cleanup, refer to Master Response 13 (Post-Transfer Shipyard Cleanup).

The criteria used to determine safe levels of exposure are outlined in health risk assessments conducted as part of the RI step of the CERCLA process explained in Master Response 9 (Status of the CERCLA Process). The risk assessments and RI reports are approved by state and federal regulatory agencies. For a discussion of the contaminants in soil on each parcel and the criteria used to determine safe levels of exposure, refer to the reports referenced in Section III.K.2 of the Draft EIR which are available for public review at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor, as part of File No. ER06.05.07, or at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, CA 94103, as part of File No. 2007.0946E. To see a diagram of the demarcation layer described on page III.K-18, refer to the *Final Remedial Design Package Installation Restoration Sites 7 and 18, Parcel B, Design Basis Report* by Chaduxt, January 8, 2010.

Response to Comment 66-13

Refer to Master Response 6 (Seismic Hazards) and Master Response 7 (Liquefaction) for a discussion of seismic hazards and liquefaction potential at the site. As discussed in those master responses, any approved covers or caps will be designed with site-specific geotechnical studies to minimize potential breach, and the covers are intended to limit exposure and be protective of human health even where temporary breaches may occur. Impact HZ-23 also discusses the potential for harmful exposure to hazards from reasonably foreseeable upset and accident conditions during operation of the project (see Impact HZ-23, Draft EIR pages III.K-114 to -115). The discussion of that impact, which is assessed to be less than significant, includes reference to San Francisco's Emergency Response Plan and Hazard Mitigation Plan.

Those plans describe the City's actions during an emergency response, including earthquake-induced emergencies, as well as risks from hazards and mitigation strategies to minimize the risks. Refer also to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) regarding the notice that will be given to property owners, residents, and neighbors regarding environmental restrictions and other cleanup issues.

With regard to an emergency evacuation plan for the Project, the General Plan states that the City ensures fire safety primarily through provisions of the Building Code and the Fire Code. The final building plans for any new residential project greater than two units are reviewed by the San Francisco Fire Department as well as the Department of Building Inspection in order to ensure conformance with these provisions. Depending on building type, conformance with these provisions may include development of an emergency procedure manual and an exit drill plan. In this way, potential fire and safety hazards would be mitigated during the permit review process.

For high-rise projects over 75 feet, Section 12.202(e)(1) of the *San Francisco Fire Code* requires that all owners of buildings over 75 feet tall establish procedures to be followed in case of fire or other emergencies. These procedures are to be reviewed and approved by the fire chief. Additionally, Project construction would have to conform to the provisions of the Building and Fire Codes, which require additional life-safety protections for high-rise buildings.

Response to Comment 66-14

Refer to Engineering/Remediation Resources Group, *Draft Final Revised Remedial Investigation Feasibility Study Report for Parcel E-2*, February 1, 2009 for a detailed description and illustration of the groundwater extraction system. This report is on file for public review at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor, as part of File No. ER06.05.07, or at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, CA 94103, as part of File No. 2007.0946E.

Response to Comment 66-15

Refer to Engineering/Remediation Resources Group, *Draft Final Revised Remedial Investigation Feasibility Study Report for Parcel E-2*, February 1, 2009 for an explanation of the currently existing cap and landfill gas collection system. This report is on file for public review at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor, as part of File No. ER06.05.07, or at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, CA 94103, as part of File No. 2007.0946E. If the landfill will be permanently capped as part of the future remedial actions (that are not part of the Project), the details of that cap configuration and specifications will be part of the Remedial Design which would be available to community members for review once it is completed by the Navy.

Response to Comment 66-16

For a discussion of the steps involved in the CERCLA process, refer to Master Response 9 (Status of the CERCLA Process). The Proposed Plan describes cleanup alternatives evaluated in the Feasibility Study and explains the preferred alternative. A public meeting will be held about the Proposed Plan to provide information to the public and allow the public to comment on the preferred cleanup alternative. The ROD then documents and publicizes the selected cleanup alternative and includes a summary and responses to

all comments on the Proposed Plan. Thus, it is not accurate to state that the ROD informs the Proposed Plan and could uncover more areas of severe toxicity. The Proposed Plan is not prepared until the RI (which is the stage in the process where areas of toxicity would be “uncovered”) and FS are complete. Further, as stated in Section III.K.1 on page III.K-2 of the Draft EIR, the Navy’s ongoing remedial activities are not part of the Project, and it is not the goal of the EIR to assess the adequacy or impacts of those remediation actions.

Response to Comment 66-17

As stated in the Setting portion of the Hazards Section of the Draft EIR, the primary purpose of the HRA was to investigate the radiological contamination of the area and designate sites as “impacted” or “non-impacted” (Section III.K.2, page III.K-27). All sites designated as “impacted” have been further investigated, and the Navy will remediate these sites prior to transfer. Before any Project development may occur, the sites will receive clearance from federal and state agencies for unrestricted use, including soil disruption, except in specific cases where the use of ICs prohibiting soil disruption are authorized by the regulatory agencies overseeing the CERCLA remediation process. The overall conclusion of the HRA was that low levels of radioactive contamination existed at certain sites within HPS, but there was no imminent threat or substantial risk to tenants, the environment of HPS, or the local community (Section III.K.2, page III.K-27). In Impact HZ-6b, the Draft EIR acknowledges that movement of soil containing hazardous material could result in impacts from human exposure to dust. This impact is rendered less than significant with mitigation through the legally enforceable environmental restrictions required to be in place before any Project development occurs (Refer to Impact HZ-6b, page III.K-68). As the Draft EIR explains, such restrictions will incorporate dust control measures, and will be approved by the FFA Signatories as being sufficient under CERCLA and other applicable laws to ensure protection of human health and the environment both during and after the development activities (Section III.K.4, pages III.K-50 and III.K-68). Additionally, regulatory-agency-approved work plans developed for directing this work will include measures for controlling site access, monitoring workers, screening materials for radionuclides, and handling radiologically impacted material appropriately, if present. Refer to Impacts HZ-1b, HZ-2a.2, HZ-8, HZ-10, HZ-12, and HZ-15 and mitigation measures MM HZ-1b, MM HZ-2a.2, and MM HZ-10b for further details. Refer also to Master Response 13 (Post-Transfer Shipyard Cleanup) for further detail on radiological cleanup and ICs.

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■ Letter 67: Harvey, Carol (1/12/10)

1 of 13

Letter 67



carol harvey
<carolharveysf@yahoo.com>
01/12/2010 04:53 PM

To joy.navarrete@sfgov.org
cc

Subject C. HARVEY RESPONSE TO SFRA BVHP DRAFT EIR

WITH SEA LEVEL RISE PREDICTED TO DOUBLE AND A VERY BIG EARTHQUAKE DUE, HOW PRACTICAL IS THE SFRA DRAFT EIR?

OUTLINE

- I. HOW MUCH SEA LEVEL RISE?
 1. GLOBALLY
 2. SAN FRANCISCO ESTUARY
 3. POTENTIAL FUTURE FLOOD HAZARD LEVEL AT BVHP
- II. BVHP OCEAN RISE / EARTHQUAKE DOPPELGANGER
- III. INADEQUATE, FAULTY STUDIES AND TESTING
- IV. SOIL AND AIR TOXINS
- V. INADEQUATE MITIGATION / CLEANUP
- VI. HUMAN AND CIVIL RIGHTS VIOLATIONS
 1. Peoples of color in BVHP
 2. Intergenerational human rights violations

I. HOW MUCH ACTUAL SEA LEVEL RISE?

1. GLOBALLY
2. SAN FRANCISCO BAY ESTUARY
3. POTENTIAL FUTURE FLOOD HAZARD LEVEL AT BVHP

The Introduction of Section III.M "Hydrology and Water Quality," the



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San Francisco Redevelopment Agency's November 2009 Bayview-Hunter's Point Draft Environmental Impact Report, offers as one of its information sources the San Francisco Bay Conservation and Development Commission.

This suggests that the EIR planners took note of the fact that BCDC's current [Tuesday, January 12, 2010] draft staff report, analyzes climate change / water rise vulnerability to the Bay and Bay shoreline. The BCDC's Executive Summary states that for the seven million people living on our urbanized estuary, "Global warming is expected to result in sea level rises in San Francisco Bay of 16 inches (40 cm) by mid-century and a 55 inches by the end of the century. An estimated 270,000 people in the Bay Area are at risk of flooding, 98 percent more than are currently at risk from flooding."

On Tuesday, December 22, 2009, on-line political journalist, Democracy Now's Amy Goodman, hosted Dr. James E. Hansen, Director of the NASA Goddard Institute for Space Studies in New York. Dr. Hansen, one of the world's leading climatologists, teaches Earth Science at Columbia University. In the 1980s, long before Vice President, Al Gore produced his movie, "An Inconvenient Truth," Dr. Hansen tried to alert the world to global warming. His new book is entitled, Storms of My Grandchildren: The Truth of the Coming Climate Catastrophe, and Our Last Chance To Save Humanity.

"Glaciers all around the world are melting," he warned. "Coastlines are moving inward. There are tipping points in the climate system where we can push the system beyond a point where the dynamics begins to take over. For example, an ice sheet. Once it begins to disintegrate and slide into the ocean, you have passed the point where you can stop it.

"Another tipping point is in the survival of species. Because species depend upon each other, you can drive an ecosystem such that, when some species go extinct, the entire ecosystem will collapse.

"We would be leaving a much more desolate planet for our children

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and grandchildren and future generations, so we don't want to pass those tipping points."

"In the case of the ice sheets and sea level, we began in 2002 to get spectacular data from the gravity satellite which measures the gravitational field of the earth with such a high precision that you can get the mass of the Greenland and the antarctic ice sheets. What we see is that in 2002 to 2005, we were losing mass from Greenland at a rate of about 150 cubic kilometers per year. Now that's doubled to about 300 cubic kilometers per year.

"The mass loss from Antarctica has also doubled over that time period. So, we can see that we're moving toward a tipping point where those ice sheets will begin to disintegrate more rapidly, and sea level will go up."

In a December 14, 2009 video entitled, "Greenland Ice Sheet Melting," Dorthe Dahl Jensen, Professor, Ice And Climate Center, Denmark, states, "The Arctic Monitoring and Assessment Programme issued a new report synthesizing the latest scientific finds on the Greenland Ice Sheet. [New 2007 data] has dramatically changed our prediction of sea level rise" in the next century from 40 centimeters to over a meter.

View at: <http://www.youtube.com/watch?v=et4KEGFluFQ>

A September 28, 2009 Al Jazeera video, "Greenland's ice melting faster than expected," announces the Greenland ice sheet has hot spots that "are thinning at a dangerous rate, up to a meter and a half a year."

View at: <http://www.youtube.com/watch?v=Lf2iGpeeg88&feature=fvw>

In the video, "Melting Trends: Arctic Ice Completely Gone by 2020," Environmentalist Dan Miller argues that "light once reflected off the surface of the melting ice is now being absorbed by water, priming a



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feedback loop that will continuously accelerate the melting process,” so that all the North pole arctic ice will be gone in five to ten years.

View at: <http://www.youtube.com/watch?v=cqjO8rwB-GI>

On December 1, 2009, the Times Online headline announced: “Major Cities At Risk From Rising Sea Level Threat”

“Sea levels will rise by twice as much as previously predicted as a result of global warming, an important international study has concluded.

The Scientific Committee on Antarctic Research (SCAR) calculated that if temperatures continued to increase at the present rate, by 2100 the sea level would rise by up to 1.4 metres — twice that predicted two years ago.”

Some scientists predict that, because glaciers and ice sheets are melting at an exponential rate, previous ocean rise predictions should be recalculated to three times the anticipated rate.

**View at:
<http://www.timesonline.co.uk/tol/news/environment/article6938356.ec>
e**

In late 2009, scientific measurements of increasingly rapid accelerations in the polar caps and ice sheet melt place into serious doubt both the BCDC data quoted above and the adequacy of 2006 FEIR mitigation measures, based as they are on much lower projections in sea level rise.

Planners formulated the 2009-2010 SFRA BVHP Draft EIR over the year 2009, if not before. The recent surges in sea level rise documented in these September 28, December 1 and 14, 2009 videos and news reports foreshadow unanticipated future flooding along Bayview-Hunter's Point waterfront. These water rise projections drastically change the efficacy and effectiveness of the DEIR's



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seriously underestimated mitigations of water, land, and air in a vastly expanded potential 100 year flood hazard area.

Exponentially accelerating ocean rise casts into serious doubt all the following mitigation measures and impacts on SFRA development in Bayview Hunter's Point Naval Shipyard and Candlestick Point.

VOL II. Section III.M Hydrology and Water Quality (Final Section Volume II)

HY-12 Implementation of the Project would not place Housing in a 100-year Flood hazard area– Possibly significant with mitigation measures.

HY-13A Implementation of the project at Candlestick Point would not place Structures within a 100 year flood hazard area. Less than significant impact, no mitigation required.

HY-13B – Implementation of project at HP Shipyard Phase II would not place structures within a 100 year flood hazard area or impede or redirect flood flows.

HY-13C – Yosemite Slough Bridge would not place structures within a 100 year flood hazard area. No mitigation required.

HY-14 – Implementation of the project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as the result of failure of a levee or dam. Possibly significant.

II. BVHP OCEAN RISE / EARTHQUAKE DOPPELGANGER

Dr. Raymond Tompkins, biochemist at San Francisco State University and toxic cleanup expert, observed that all Bush administration documents seemed tainted or distorted by denial of global warming and ice shelf melt. No scientific reviews took into account the rise of



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67-2

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the Bay. No one discussed even hydraulic pressure measurements to discover how to handle shoreline water rise impacts.

Important questions were never asked.

How would the two aquifers underneath the Shipyard, A and B, be impacted?

Would a retention wall be constructed?

What about Bay area earthquake zones?

No one sat down with scientists and discussed liquefaction.

The U.S. Geological report presents a mapping of Hunter's Point which places it all in a red zone --- very susceptible to soil liquefaction in a heavy earthquake.

Earthquake Amplification

Amplification phenomenon was not addressed in any documents reviewed.

In "amplification," geological land formations affect the direction of a quake's energy wave which bounces against rock and amplifies ground-shaking energy. The Loma Prieta quake was "amplified" to an 8 plus on the Richter scale, collapsing the Cypress Freeway, but not the adjoining area.

If the direction and force of the energy travels through the ground and hits a certain way, it could ricochet off rock formations causing amplification --- a more violent "echo effect"--- then bounce back off another rock and produce more vigorous shaking Depending on the quake's strength, a 6.8 can become an 8, causing severe damage higher and farther inland.



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The Bayview is highly vulnerable to a far more devastating “Big One.”

The area around the Cypress Freeway and the Bayview have the same geological formation and shape which can produce quake shock wave amplification, with more violent shaking.

Geological rock formations at Hunter's Point Shipyard, a Federal nuclear research Facility, can produce amplification conditions.

Amplification of underground shaking can cause liquefaction and crumble structures on soggy water-soaked soil.

Water reacts to the energy of underground quakes, heavy shock waves passing through the ground. Like a tsunami, the earth moving and dropping moves water with it.

The water does not contribute to earthquake amplification, but in the Bayview cove could convert to a seiche-like underwater wave which can reduce fragmented soil to impassable mud and mudflows and undermine shoreline integrity.

Important amplification questions must be addressed. How will amplification affect the aquifer? The shore? The draft EIR adequately addresses none of these concerns.

This deadly water rise-earthquake-amplification-liquefaction combination calls into serious question the basis for the DEIR HY-15 assertion that “Implementation of the Project would not expose people or structures to inundation by seiche, tsunami, or mudflow.”

Toxic substances and pollution

We know toxic substances contaminate BVHP aquifers running into the Bay. How will swift-rising water levels and possible earthquake

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amplifications affect the movement of toxic pollution?

How and where will Bayview pollution spread? What models have been done? What examinations and tests finalized? What information has the U.S. Geological Department offered? What independent geologist has reviewed the data?

Dr. Tompkins expressed deep concern over lack of thorough study of these phenomena. None of these questions have been addressed honestly and presented to the public by any entity, including this Redevelopment/Lennar Draft EIR.

III. INADEQUATE, FAULTY STUDIES AND TESTING

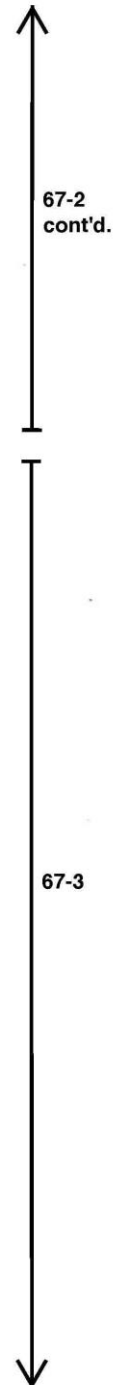
At various times, the Navy, EPA, Lennar Construction, and Air Quality Control Management have all been charged with testing soil, air, and water for poisons, toxic chemicals, and radiation materials in one of the country's most volatile Superfund sites. All these entities have been shown to be derelict.

Dr. Tompkins directs his criticism of the Navy's approach to chemical contamination at its practice of taking one core soil sample per acre in the 23-acre Superfund site. In the early '90s (1992, 1993), the Navy sampled by drilling a few widely scattered bore holes. In 2009, however, they did no comparison samples at the same sites.

Toxic Fire

Both Dr. Tompkins and Marie Harrison, Bayview Resident and Greenaction activist, cited the 2004 underground hot spot that caught fire and burned for three months. The fire re-ignited four times. On the last occasion, a "homeless man" apparently to set a fire, igniting toxic gas building up from underneath.

Fire creates a synergistic effect in chemicals wherein they are broken down into byproducts, some of which can be highly toxic. Neither the EPA, the Navy, nor Lennar has ever tested for one of the most



contaminating byproducts, Dioxin,

Radiation Testing

The same was true for radiation. Dr. Tompkins reported that The Navy, charged with remediating all radiological contamination, provided radiation data only from a surface scan and did not bores to determine location of radioactive materials. "The Navy did no bores of radiation to determine where all this stuff is located."

Dr. Tompkins testified that Lennar came before the RAB complaining they were not qualified to touch radiation. They reported they lacked the experience or the knowledge to deal with the volume of contamination in the Shipyard, insisting that the Navy would have to do the cleanup. It seems to Dr. Tompkins and others that the Navy wants to dump the remediation on Lennar, and Lennar does not have the experience. "The Navy wants to get out of town, and leave the City and the developer holding the bag."

Monitoring and Testing Dust Thrown up by Lennar's Construction

Lennar's digging in serpentinite rock on HP Shipyard Parcels threw up toxin and asbestos and arsenic-laced dust from which residents suffered respiratory problems and chronic nose bleeds. Lennar was charged with taking dust mitigation measures and setting out monitors to test dust levels.

Marie Harrison reported that once Parcel A was turned over to the City, the City controlled the Parcel. Lennar provided the EPA dust mitigation data and information only for their review, asking to them evaluate whether it would or would not work. Thus, Lennar Corporation had the power to stop the EPA from doing their own testing and evaluation. The former EPA director told the community, "We didn't do a study. We analyzed the data that was given to us."

When the BVHP community met with the Federal Department of Toxic Substances, officials told residents that that Lennar also provided



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them only information for review, with the same outcome as the EPA.

"You can't call that an independent study," Marie stated.

She asked, if Lennar had followed their dust mitigation plan which included throwing a certain amount of water on the dust from water trucks. If they made sure that every truck was washed down. If they took this and that step, "would this be adequate to keep down the dust and the damage to the community?"

Lennar said, two things, "If they do these things, it would be the closest to the best thing, without spending the kind of money that should be spent.

There was a "likelihood" that it would work if they did the watering; if they did the dust monitoring; if they kept the monitors going; if they stopped work when the wind picked up to 25 miles an hour; if they had an overage, they would shut down for 24 hours; all these "ifs;" If they did these things they said they were going to do, there was a likelihood that dust mitigation measures would solve the problem with whatever was in the dust making the community sick."

"However," Marie testified that "they did not do what they said they were going to do. They didn't do the watering until we found out and started monitoring them ourselves. They didn't stop the work when the wind picked up to 25 miles an hour. They didn't stop the work for 24 hours after the dust went above their standards.

"So, it doesn't matter what you put on paper. If you're not going to do it, what good is putting it on paper?

There was no "likelihood" that the dust mitigation measures worked because there "was no way for it to work," Harrison said.

"For 389 days, they had no monitoring, no water, no nothing.

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In 2006, when Lennar started heavy grading, they placed monitors out after the fact. They forgot to supply the monitors with self-recharging batteries. Threadwell and Rollo, the data collection company who, every night at 5:00, were charged with retrieving, examining, and analyzing the information from tapes in the air monitors. However, when the monitors went off "helter-skelter," they decided to check certain community monitors only every other week.

Lennar/ SFRA makes many mitigation promises in the Draft EIR. However, their track record of keeping promises is very poor. All this will be exacerbated exponentially with 50-year two to three foot ocean rise in combination with earthquakes.

IV. SOIL AND AIR TOXINS

Public records substantiate the testimony of Marie Harrison and Dr. Tompkins that Parcel E-2 on the BVHP Shipyard contains hazardous poisonous chemical elements, including deadly radioactive wastes, polychlorinated biphenyls (PCBs), and toxic heavy metals. Present in air and soil are, over 40 toxic elements, including arsenic and antimony, both culprits in chronic nosebleeds. The presence of Arsenic, the main ingredient in the medicinal blood thinner, Coumadin, is easily and quickly detected in hair samples. Such substances will easily move and spread with ocean rise mud and water.

Radioactive wastes include polonium and radon. Both Marie Harrison and Dr. Tompkins repeatedly allude to the dumping of animal carcasses and radium dials used in testing radioactive materials as part of the Navy's World War II atomic bomb construction and use over Hiroshima and Nagasaki and on the Bikini atoll.

The radium dials emit radiation that converts to radon gas which moves through the ground with mud or water, rising to the top layer of the soil's surface. Radon stays in its toxic state for about four days, then converts, vaporizing into the air as polonium, a highly radioactive chemical element with a half-life expectancy of 1,600 years' activity. Polonium was famously reputed to have been used in

67-3
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2006 by the Russian secret service to assassinate Russian journalist, Alexander Litvinenko. A toxic element, Polonium is five million times more poisonous than the element cyanide, used in rat poison and human suicide pills.

v. INADEQUATE MITIGATION AND CLEANUP

The Navy seems resistant to complete removal of deadly the radium-radon gas-polonium gas-cyanide gas combination. The Navy has contained such poison substances underneath a cap geotextile barrier (plastic sheet) and soil cap over the landfill. "The proposed means of containment include a geotextile barrier and soil cap over the landfill, and a barrier wall along the shoreline to prevent migration of contaminated water into the Bay," wrote Dr. Peter Palmer in his October 2007 Asian Weekly article, "Pandora's Box – What To Do With The EPA Superfund Site on Parcel E-2 In the Shipyard?"

Lennar and SFRA, authors of the draft EIR, have signed onto the capping alternative.

Activists are pushing for complete excavation and removal of these substances from the Naval Shipyard and Parcels E-1 and E-2. In 2000, San Franciscans voted to clean up the Bayview to "Residential standards," complete cleanup. The removal process includes covering the area with a metal tent. Workers in protective "space-suits" would carefully move the radioactive toxic soil into trucks bound for a toxic waste site in Utah.

The Navy projected only short-term 30-year maintenance costs for the cap. Dr. Tompkins insists removing caps and toxins underneath would be cheaper and far more cost-effective for taxpayers' than to pay 1,600 years-worth of taxes to maintain this cap for the poison's centuries-long life span.

Dr. Tompkins understands the Navy plans to reduce the volume of pollution by digging out 15-20 feet around the Superfund site's periphery, a paltry measure in the face of the coming floods.

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Presently, the Obama Administration has not altered the Bush Administration's non-approach to ever more dangerous and swiftly encroaching climate change / global warming and ocean rise. Installation of objective scientists who review data and establish sound standards has not yet been accomplished. "It's like the force of an object in motion [that stays in motion]" observes Dr. Tompkins.

VI. HUMAN AND CIVIL RIGHTS VIOLATIONS

NASA-Goddard Director, Dr. James Hansen, participated recently in a action on Boston Commons. "These protests are [Gandhi-style] civil resistance. We are trying to draw attention to the injustice. This is really a moral issue analogous to that faced by Lincoln with slavery or by Churchill with Nazism, because what we have here is a tremendous case of intergenerational injustice. We are causing the problem, but our children and grandchildren are going to suffer the consequences."

The same applies to peoples of color who represent the major segment of the Bayview-Hunters Point population. Predominantly white, rich developers have taken the land for development and left this poverty-ridden population without homes, land, or jobs.

The irony is that, when these developers construct businesses, homes, condos, roadways, bridges, stadiums, and shopping malls on this non-remediated Superfund site, their future children and grandchildren will pay with a seriously-reduced natural habitat and fewer animal species. Toxic chemicals still planted in the soil may make many pay with their lives.

***no wise words.
just good thoughts.***

carol

↑
67-3
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67-4

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■ Letter 67: Harvey, Carol (1/12/10)

Response to Comment 67-1

Refer to Master Response 8 (Sea Level Rise) and Responses to Comments 36-2, 57-1, and 58-3 for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur.

Response to Comment 67-2

The comment refers to the interaction of sea level rise and earthquakes, with reference to aquifers below Parcel A and B and potential creation of a retention wall, earthquake amplification, liquefaction, and the release of toxic contaminants. Refer to Master Response 6 (Seismic Hazards); Master Response 7 (Liquefaction); Master Response 8 (Sea Level Rise); Master Response 9 (Status of the CERCLA Process); Master Response 11 (Parcel E-2 Landfill); Master Response 12 (Naturally Occurring Asbestos); Master Response 13 (Post-Transfer Shipyard Cleanup); and Master Response 14 (Unrestricted Use Alternative) for discussions on the interrelationships between potential liquefaction, amplification, and toxics. Refer to Impacts HZ-1a and HZ-2a and mitigation measures MM HZ-1b and MM HZ-2a.1 for further details.

Response to Comment 67-3

Refer to Master Response 9 (Status of the CERCLA Process), Master Response 11 (Parcel E-2 Landfill), Master Response 12 (Naturally Occurring Asbestos), and Master Response 13 (Post Transfer Shipyard Cleanup) which discusses the status of HPS CERCLA process, hazardous materials, conditions at the Parcel E-2 landfill, naturally occurring asbestos, and process for decisions and responsibility for cleanup.

Response to Comment 67-4

The comment is acknowledged. No response is required. However, with respect to hazardous conditions at the Project site, refer to Section III.K (Hazards and Hazardous Materials) of the Draft EIR, as well as Master Response 7 (Liquefaction), Master Response 9 (Status of the CERCLA Process), Master Response 10 (Pile Driving through Contaminated Soil), Master Response 11 (Parcel E-2 Landfill), Master Response 12 (Naturally Occurring Asbestos), Master Response 13 (Post-Transfer Shipyard Cleanup), Master Response 14 (Unrestricted Use Alternative), Master Response 15 (Proposition P and the Precautionary Principle), Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues), and Master Response 17 (Enforcement of Environmental Restrictions and Mitigation Measures), which also discuss hazardous materials, pile driving through contamination, conditions at the Parcel E-2 landfill, cleanup to unrestricted use (Proposition P), naturally occurring asbestos, ubiquitous metals issues, HPS radiation cleanup and restrictions, status of the HPS CERCLA process, process for decisions and responsibility for cleanup, and notification regarding restrictions, contaminations, and releases or violations of mitigation measures. In terms of potential impacts to biological resources, refer to Section III.N of the Draft EIR, which identifies numerous mitigation measures to avoid or reduce impacts to biological resources, including those that would actually maintain or increase certain habitat types.

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Letter 68: Technical Assistance Services for Communities (1/12/10)

1 of 8

Letter 68

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JAN 12 2010

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
PERMISSION DESK



Technical Assistance Services for Communities
Contract No.: EP-W-07-059
TASC WA No.: TASC-2-R9
Technical Directive No.: TASC-2-Region 9 Bay View Hunters Point-14

Comments on Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project Draft Environmental Impact Report

January 12, 2010

The following are comments prepared after a review of the Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project Draft Environmental Impact Report, primarily Section III.K. Hazards and Hazardous Materials.

Early Transfer

The Navy is proposing to transfer ownership and control of the property at Hunters Point Shipyard (HPS) Phase II portion to the San Francisco Redevelopment Agency on an early transfer basis before remedial activities are completed. The San Francisco Redevelopment Agency can then transfer the remedial obligations to Project Applicants. This will ultimately result in construction of the proposed redevelopment and occupancy of redevelopment structures and units while remediation activities are still ongoing at HPS Phase II.

The San Francisco Redevelopment Agency would be responsible for remedial activities from the time of transfer under the terms of the Early Transfer Cooperative Agreement. If the San Francisco Redevelopment Agency transfers ownership to a Project Applicant, the Project Applicant would then be responsible for the remaining remediation under an Administrative Order on Consent.

The early transfer of property in HPS Phase II requires that prior to transfer of the property that is not completely remediated, the Navy must "insure that the property is suitable for the intended use and consistent with protection of human health and the environment." In addition, the Navy has to complete all radiological cleanup activities on each parcel in HPS Phase II and obtain approved Record of Decisions (RODs) for each parcel prior to transfer. Responsibility for remedial work not performed prior to the transfer would become the responsibility of the San Francisco Redevelopment Agency and/or Project Applicant. Navy funds would be provided to complete the Navy's remediation obligations. The Navy retains ultimate responsibility for the site remediation.

Radiological cleanup activities are ongoing at a number of parcels of HPS Phase II. Site investigations and ecological assessments are ongoing at a number of parcels in HPS Phase II.

Parcel B had an amended ROD finalized in February 2009. The draft ROD for parcels C and UC-2 were to be issued in December 2009 and the final RODs are proposed to be signed within 2010.

68-1

The ROD for parcel D (D-1, D-2, G and UC-1) was issued in 2009. The draft Proposed Plan and draft ROD for parcels E and E2 are expected in the 2010-2011 time frame. Parcel F is anticipated to have a draft Proposed Plan and draft ROD issued in 2012 or 2013. On page III.K-81, the text states that the RODs are expected to be final for all parcels of HPS Phase II by summer 2012. This does not agree with the text for parcel F (page III.K-26) which indicates a draft ROD is anticipated to be issued in 2012 or 2013. This time frame for the draft ROD, not the final ROD is based on information from the California Department of Toxic Substances Control (DTSC) data from Hunters Point Naval Shipyard Parcel F and is later than the date presented on page III.K-81.

If the parcels are transferred immediately after the RODs are finalized, then the San Francisco Redevelopment Agency and/or Project Applicant will be responsible for developing the Remedial Design document, having the document reviewed and approved, and conducting the Remedial Actions required in the ROD. The remedial work could be extensive on each parcel. The remedial work being conducted by contractors of the San Francisco Redevelopment Agency and the Project Applicant will be occurring at the same time and in close proximity to redevelopment work being performed by contractors of the San Francisco Redevelopment Agency and Project Applicant. The potential exist to contaminate on-site workers constructing redevelopment units, on-site occupants of the redevelopment units and school students, teachers, staff and visitors at adjacent elementary schools. In addition, U.S. Environmental Protection Agency (EPA) oversight of remedial actions being performed by contractors for the San Francisco Redevelopment Agency and Project Applicants will require additional agency resources and could result in less oversight than is currently occurring with the Navy being responsible for the remedial actions.

Areas of Concern With Early Transfer

1. Exposure of construction workers engaged in redevelopment activities.
2. Exposure of occupants in the redeveloped locations and sites.
3. Exposure to school students, staff, teachers and visitors at Bret Harte Elementary School and Muhammad University of Islam elementary school while remedial activities are ongoing.
4. Potential lack of adequate oversight of San Francisco Redevelopment Agency and Project Applicants contractors performing remedial activities in place of Navy contractors under the oversight of EPA. This could lead to multiple entities with multiple contractors performing remedial activities that could lead to fragmented oversight and result in inadequate remedial activities and potential environmental and human health exposures.

Hazardous Materials Use

The text indicates that hazardous materials, their use, storage and disposal, are subject to numerous laws and regulations. In most cases, the laws and regulations pertaining to hazardous materials management are sufficient to minimize risks to human health and the environment.



68-1
cont'd.



68-2

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except where site-specific conditions warrant additional considerations.” In the situations referred to as “most cases” there is a lack of requirements for adequate oversight and enforcement of the laws and regulations. In the situations referred to as “site-specific conditions” warranting additional considerations, the issues of oversight and enforcement are also lacking. The lack of enforcement of the laws and regulations can result in substantial impacts to human health and the environment. In the case of Hunters Point Shipyard, the issues associated with enforcement are critical to the protection of human health and the environment:

Hazardous Contaminants

According to the Environmental Impact Report “chemicals and radioactive materials are present in soil and groundwater in various locations throughout Hunters Point Shipyard Phase II at levels that require remediation.” The chemicals contaminating Hunters Point Shipyard Phase II consist of radionuclides, volatile organic compounds (VOC; benzene, carbon tetrachloride, chloroform, naphthalene, tetrachloroethane and others), semi-volatile organic compounds, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, polychlorinated biphenyls (PCBs), pesticides, heavy metals (arsenic, beryllium, chromium, chromium VI, lead, manganese, mercury and nickel), and asbestos. The bay fill material at Candlestick Point contains hydrocarbons, polycyclic aromatic hydrocarbons, semi-volatile organic compounds, PCBs, chlorinated pesticides, heavy metals (chromium VI, copper, lead, mercury, nickel, and zinc), and asbestos.

According to the Environmental Impact Report, institutional controls are “expected to be imposed at most or all areas of HPS Phase II after remediation is complete.” The institutional controls are required in areas where residual levels of hazardous materials remain on the property after remediation. The Candlestick Point area will also have institutional control restrictions due to “the ubiquitous nature of low levels of hazardous materials in Bay Fill that make it infeasible to remediate all of those materials.”

Concerns exist about adequate notification and education of residents, workers and visitors to the site, of the restrictions and conditions contained in the institutional controls. In addition, the question of adequacy of enforcement of the institutional control conditions by the oversight agencies also raises concerns.

There is the potential to encounter previously unidentified hazardous materials during excavation for remediation or redevelopment construction activities. The potential exists that the hazardous waste materials will negatively impact the human health of workers, community members and school students, teachers and staff and the environment. This issue could be addressed in the Environmental Impact Report.

According to the Environmental Impact Report, “development and occupancy of some portions of the Project would occur at the same time as demolition and construction would occur in other portions of the Project site. The Environmental Impact Report contends that “relatively few individuals would be exposed to the potential contaminated materials during the initial construction” phase of redevelopment. However, “during later periods of construction... an increasingly greater number of people could be affected by construction activities involving the disturbance of contaminated soils or groundwater.” “This could be a particular issue in the



68-2
cont'd.

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residential portions of HPS Phase II where construction in contaminated soils may occur near occupied residential units.”

Exposure of occupants on the site to hazardous materials remaining on the site after remediation and exposure of the occupants to hazardous materials from demolition and construction activities in the areas occupied by individuals in the developed units is of great concern. Site remediation occurring at the same time as early transfer, redevelopment and occupancy may lead to unacceptable exposure of occupants to hazardous materials disturbed by remedial activities and construction activities.

Schools Within One-Quarter Mile of Hunters Point Shipyard

The Muhammad University of Islam (MUI), a year-round elementary school, is located adjacent to the Hillside portion of HPS Phase I. It is within one quarter mile of the western most portion of the project boundary. “Demolition or renovation of existing structures in HPS Phase II could result in potential exposure of students, teachers, staff, and visitors at MUI to hazardous building materials during construction, without proper abatement procedures.”

The Bret Harte Elementary School is within one-quarter mile of the Alice Griffith public housing development. Demolition or renovation at the Alice Griffith public housing development could “result in potential exposure of students, teachers, staff and visitors at the school to hazardous building materials during construction, without proper abatement procedures.”

According to the Environmental Impact Report, “to reduce the potential for the school sites to be exposed to hazardous air emissions, the Project would comply with regulations and guidelines pertaining to abatement of and protection from exposure to asbestos and lead.” The school sites are vulnerable to the air emissions and totally dependent on the contractors of the Navy, San Francisco Redevelopment Agency, and Project Applicants to comply with the regulations and guidelines and the oversight agencies to ensure compliance with the regulations and guidelines so that the health of students, teachers, staff and visitors is protected. The Environmental Impact Report could detail a mechanism for immediate notification of the two schools of any failures of the contractors on Candlestick Point and HPS Phase II to comply with the regulations and guidelines and also to advise the schools of measures that can be taken to protect the health of the students, teachers, staff and visitors. A notification mechanism would greatly assist in human health protection at the two schools.

Need for Additional Procedures

The Environmental Impact Report did not evaluate and assess the cumulative impacts of exposure to human and ecological receptors and the environment as a result of exposure to hydrocarbons, volatile and semi-volatile organic compounds, PCBs, pesticides, heavy metals, asbestos and radionuclides.

The Environmental Impact Report also did not establish a mechanism for notification and education of community members and school students, teachers, staff and visitors occupying the property adjacent to the site about the proper precautions and procedures to avoid and reduce.



68-2
cont'd.

their exposure to hazardous materials from remedial and redevelopment activities ongoing at the site.

The Environmental Impact Report also did not develop and provide for dissemination of information on institutional controls and exposure avoidance mechanisms for new occupants on the site, workers constructing development units on the site, and shoppers, workers and visitors at business units on the site. The redevelopment and utilization of the site while site remediation is still underway has the potential to expose members of the public to hazardous materials being remediated. In addition, even after the site remediation is complete, the site will still contain hazardous materials under the surface of the site. Individuals living, working and visiting the site must be aware of the situation and understand the requirements to prevent exposure to the hazardous materials remaining on the site.

Finally, the Environmental Impact Report did not provide for adequate oversight and enforcement of the terms of the Early Transfer Cooperative Agreement, Administrative Orders on Consent, and the RODs and Remedial Designs for each parcel on the Candlestick Point and HPS Phase II sites. This lack of adequate oversight and enforcement could result in exposure of humans and the environment to hazardous materials on the sites and potentially flawed remedies being implemented.



68-2
cont'd.

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7 of 8

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EDUCATION:

B.S., Microbiology/Chemistry, University of Southwestern Louisiana, Lafayette, Louisiana, 1965.
M.S., Microbiology/Chemistry, University of Southwestern Louisiana, 1966.

POSITIONS HELD:

President, Subra Company, Inc., New Iberia, Louisiana, May 1981 to Present.
Acting Manager, Department of Analytical Biochemistry, Gulf South Research Institute, New Iberia, Louisiana, 1981.
Chemist and Program Chemist of the Carcinogenesis Bioassay Subcontract for National Cancer Institute, Gulf South Research Institute, 1972-1981.
Associate Manager, Department of Analytical Biochemistry, Gulf South Research Institute, 1979-1981.
Group Leader, Department of Analytical Biochemistry, Gulf South Research Institute, 1974-1979.
Microbiologist and Biostatistician, Gulf South Research Institute, 1967-1974.
Teacher of Modern Mathematics, Seventh and Eighth Grade Students, Iberia Parish Schools, 1966-1967.
Laboratory Instructor and Research Assistant, University of Southwestern Louisiana, 1965-1966.
Teacher of Computer Techniques, University of Southwestern Louisiana, 1964-1965.

COMMITTEE MEMBERSHIPS

Louisiana Emergency Response Commission, 1988 to 1992
Chairman of the Iberia Parish Emergency Response Commission, 1988 to present
Citizens Environmental Advisory Committee to Louisiana Department of Environmental Quality (LADEQ), 1988 to 1993
Chairman of the Citizens Environmental Advisory Committee to LADEQ, 1990 to 1993
Chairman of the Solid Waste Advisory Subcommittee to LADEQ, 1988 to 1990
Chairman of the Rules and Regulations Committee on Solid Waste Reduction and Recycling, LADEQ, 1989 to 1992
Iberia Parish Coastal Zone Management Advisory Committee
Louisiana Environmental Action Network Leadership Committee
National Citizen's Network on Oil and Gas Wastes, 1986-1996
Louisiana Governor-Elect Roemer's Transition Environmental Advisory Panel, 1987
EPA Class II Injection Well Advisory Committee, 1990 to 1993
Chairman of the Review Committee for Louisiana Proposed Solid Waste Regulations, 1991

8 of 8

Member of the IOGCC Review Team for the Pennsylvania State Oil and Gas Waste Program, 1991 to 1992
Louisiana Governor-Elect Edwin Edwards Environmental Transition Team, 1991 to 1992
Louisiana DEQ NORM Committee to develop regulations and disposal options for Oil and Gas NORM Waste, 1992
National Commission on Superfund, 1993 to 1995
EPA Common Sense Initiative, Petroleum Refining Sector Subcommittee, 1994 to 1999
DEQ Recycling and Solid Waste Reduction Committee, 1995
EPA Permit Reform Committee, 1997
EPA Toxics Data Reporting Committee of the National Advisory Council for Environmental Policy and Technology, 1997 to 1999
EPA RCRA Remedial Waste Policy Advisory Committee 1997 to 2000
EPA National Advisory Council for Environmental Policy and Technology (NACEPT), 1999 to 2005, Vice-Chair
EPA NACEPT Standing Committee on Sectors, Co-Chairperson, 1999 to 2002
EPA NACEPT Petroleum Refining Sector Workgroup, 1999 to 2002
EPA National Advisory Committee (NAC) to the U.S. Representative to the Commission for Environmental Cooperation (CEC) 2000 to 2005
EPA National Environmental Justice Advisory Council (NEJAC), 2001 to Sep. 2006
EPA National Advisory Council for Environmental Policy and Technology (NACEPT), Superfund Subcommittee, 2002 to 2003
EPA National Environmental Justice Advisory Council (NEJAC), Pollution Prevention Work Group, Co-Chair, 2002 to 2003
EPA National Environmental Justice Advisory Council (NEJAC) Cumulative Risk/Impacts Work Group, 2003-2005
State Review of Oil and Natural Gas Environmental Regulations Board (STRONGER), 2004 to present
EPA National Environmental Justice Advisory Council (NEJAC) Gulf Coast Hurricanes Work Group, 2005-2006
Vice-Chair of Board of State Review of Oil and Natural Gas Environmental Regulations, 2007

AWARDS

Women of Achievement Award from Connections, 1989.
Louisiana Wildlife Federation's Governor's Conservation Achievement Award, 1989.
MacArthur Fellowship Award from John D. and Catherine T. MacArthur Foundation, 1999.
Volvo for Life Award, Environmental Category, one of three national finalists 2004.

■ Letter 68: Technical Assistance Services for Communities (1/12/10)

Response to Comment 68-1

The comment expresses concern about exposure of construction workers, occupants, and schools to hazardous materials, as well as concern about oversight of contractors performing remedial activities in the case of Early Transfer. Please refer to Section III.K.4 of the Draft EIR for a discussion of these potential impacts and the associated mitigation measures. In particular, refer to mitigation measures MM HZ-1a, MM HZ-1b, MM HZ-2a.1, and MM HZ-2a.2 for information on mitigating potential impacts to construction workers and the public; refer to MM HZ-18 for information on mitigating potential impacts related to the proximity of schools; and refer to MM HZ-18 for an analysis of potential impacts and mitigation associated with Early Transfer. Implementation of the above mitigation measures would ensure that potential impacts from construction activities would not expose construction workers or the public (including school aged children) to hazardous materials in the result that early transfer of the HPS II properties were to occur. Refer also to Master Response 17 (Enforcement of Environmental Restrictions and Mitigation Measures) for a detail on the mechanisms of enforcing the mitigation measures. Refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) for a discussion of related notice requirements.

Response to Comment 68-2

Refer to Master Response 17 (Enforcement of Environmental Restrictions and Mitigation Measures) for a discussion of the mechanisms of oversight and enforcement of environmental restrictions and mitigation measures. Refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) for a discussion of notification of property owners and residents regarding environmental restrictions, and also of notification requirements and mechanisms to inform nearby property owners, residents, and schools of asbestos dust levels when they exceed standards, and of the discovery of previously unidentified contaminants. Refer to Master Response 11 (Parcel E-2 Landfill), and Master Response 13 (Post-Transfer Shipyard Cleanup, which discuss hazardous materials, conditions at the Parcel E-2 landfill, ubiquitous metals issues, and HPS radiation cleanup and restrictions. Impact HZ-2 addresses the potential to encounter previously unidentified hazardous material during excavation, and implementation of mitigation measures MM HZ-2a.1 and MM HZ-2a.2, which provide for community notification, renders this potential less than significant. Refer to Response to Comment 66-8 for a discussion of the protection of occupants in connection with phased development. With respect to cumulative impacts, the Draft EIR evaluated the potential for cumulative impacts of hazardous materials in various contexts. Refer to Section III.K.4, pages III.K-118 through -124 for a discussion of cumulative impacts of hazardous materials, and also to Section III.H.4, pages III.H-37 through -39 for a discussion of cumulative impacts related to air quality.

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■ Letter 69: People Organized to Win Employment Rights (1/12/10)

1 of 4

Letter 69

Karissa Cole
POWER
4923 Third Street
San Francisco, CA 94124

January 12, 2010

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street Ste 400
San Francisco CA 94102

Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

I am a community organizer with an organization called POWER (People Organized to Win Employment Rights), A civil rights organization fighting for social justice and against environmental racism in Bayview/ Hunters Point.

The above Draft EIR is inadequate for the following reasons;

III-K-15 "The major components of the soil remedial actions are: excavating contaminated soil with off-site disposal, and covering with clean soil or other impervious surfaces such as pavement, concrete, or buildings;...continuing the removal of radiological contaminated building materials and soils; and implementation of Institutional Controls (ICs) to limit exposure to contaminated soil and groundwater by restricting specified land uses and activities on the parcel."

Section K does not list what toxins will be left in the ground. What hazardous materials will remain in each parcel after mediation? Please provide a diagram listing all hazardous materials and toxins that will remain in the ground after mediation for each parcel.

Please provide an image that indicates the depth of toxins in the shipyard and the depth that the mediation of those toxins will stop

How will the proposed Institutional Controls (ICs) such as covers and caps be affected by possible earthquakes and liquefaction?

Has the Project studied whether tectonic activity could breach these covers and caps, releasing hazardous materials?

How will the Project guarantee reasonable protection of public safety if the caps are breached?

Will all people that move to the project site be notified of the current conditions of contamination at shipyard?

Please provide a map of the locations of the contaminates being left in the ground.

69-1

2 of 4

Please describe in detail what IC's (institutional controls) are being used to mediate each contaminant being left in the ground.

Provide an image listing all IC's and their proposed location. And what hazardous substance they are controlling

Section III.L-15

"The Project site is in an area of San Francisco that has been designated as potentially liquefiable. As depicted in Figure III.L-1, the majority of the Project site is covered by lowland soils and artificial fill, which is the most susceptible soil layer for liquefaction."

Additionally, even if the cap doesn't break and the contaminated soil liquefies, their groundwater will become pressurized and will flow into the bay. What is likelihood of this secondary effect of liquefaction? What steps will be taken to mitigate this outcome? What impact would this have on the water quality of the Bay?

While the EIR identifies the need for caps and covers to protect people and the environment from hazardous materials in the ground throughout the development, it does not address the issues of these toxins seeping into the bay by way of Liquefaction. If there is liquefaction that includes contaminated hazardous material and it flows into waterways, there are major problems. What is the impact of toxic material that liquefies and runs into the Bay? What is the impact on water life?

"The mobilization of historic contaminants in soil would be reduced by the placement of fill soils in various locations to raise the land surface above the base-flood elevation (as discussed in Section III.L), thus increasing the height of soil cover in those locations."

How many total cubic feet of fill/ dirt we be used to raise the land surface at HPS /Candlestick point?

Where will this fill come from?

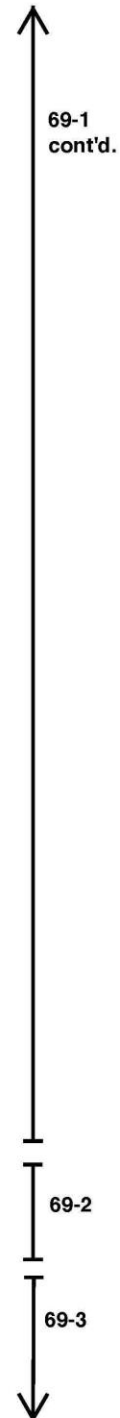
It is well known that the Bayview has the highest rates of asthma and respiratory problems in San Francisco. The EIR is inadequate because it does not fully address the cumulative impacts of the construction/grading phase on a community already suffering from environmental justice disparities.

Figure IIIP-2 shows an image of the proposed park spaces. Parcel E2 is listed as becoming an open space. What specific IC's are being used to make this park safe? How can it be insured that the IC's will not be compromised by daily use? Please provide a detailed list of the IC's used in this park space and the durability of each IC

As shown in figure II-4 neighborhood retail space is not included in the Alice Griffith plan, how accessible will the retail areas on candlestick point be to the residents of Alice Griffith and the larger Bayview community?

The EIR does not state the impact the transit changes would have on the businesses in the Bayview/Hunters point area.

Please provide a diagram listing all the street closures or lane closures that will occur during the construction phase do to the implementation of the project.



3 of 4

What is being done to reduce the impact on local business in the surrounding community?

What will be the time length of each closure?

Will closures be during business hours?

What measures are being taken to insure that current residents and business will not be negatively impacted by the project?

Please provide an analysis of how many local business owners either went out of business or ownership was transferred during the other biggest redevelopment project in San Francisco in the Fillmore/western addition district.

As stated on Page I-2 of the DEIR, in 1999 "the agency entered into an exclusive negotiations agreement with Lennar Urban."

Please provide the reason this corporation was chosen with out opening it up for other companies to bid on this project.

Lennar in Orlando, Florida – EXPLOSIVE HOMES

Lennar built homes on top of a World War II bombing range. People began to find undetonated bombs underneath their homes, including a 23-pound fragment bomb. The City of Orlando called for a forced evacuation of surrounding homes and a day care center.

<http://www.searchhutto.com/huttoparke/Orlandobomb2.html>

Lennar in Hutto Parke, Texas – "DEFECTIVE" HOMES

Lennar sold people "defective homes" that fell apart. The walls on the homes were built using expansive clay that began to crack apart. "It was the most stressful, harrowing ordeal I've gone through," said one homeowner.

http://www.searchhutto.com/huttoparke/Hutto_clay.html

What investigation of Lennars track record has been completed by the city to insure public safety?

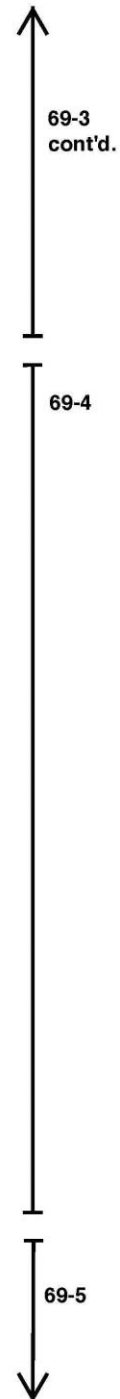
What measures are put in place to make sure Lennar is following the correct mitigation procedures around the removal of hazardous materials?

What agency will oversee the mitigation process?

Please provide how a resident can submit complaints if the mitigation measures are not being followed correctly?

Mercury News 12/22/2009

'York told the Mercury News on Monday that the team is completely focused on the plan to build a 68,500-seat stadium adjacent to Great America theme park, and any talk about fallback plans is secondary. He did reiterate that Oakland, because of its existing transportation hubs, is "a much better site" than Hunters Point,"



4 of 4

Given the above statement from York, Owner of the San Francisco 49ers it is clear that San Francisco is neither the first nor second choice for the 49ers new stadium. In a hearing in front of the redevelopment commission Tiffany Boehe spoke to the EIR process and the timeline indicating the June vote in Santa Clara was moving this process.

Please explain the continued energy being put into the stadium when they are not going to stay in San Francisco?

Why is this project being moved on a stadium timeline and not with the best interest of the residents of the Bayview community moving the process.

How much is the City/Agency/Lennar to pay to subsidize construction of the proposed stadium?

Please address these comments and questions.

Sincerely,
Karissa Cole



69-5
cont'd.

■ Letter 69: People Organized to Win Employment Rights (1/12/10)

Response to Comment 69-1

Refer to Master Response 6 (Seismic Hazards) and Master Response 7 (Liquefaction) for a discussion of hazards associated with earthquakes and liquefaction, and measures to be taken to ensure public safety. Refer to Master Response 9 (Status of the CERCLA Process), Master Response 11 (Parcel E-2 Landfill), Master Response 13 (Post-Transfer Shipyard Cleanup), and Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) regarding concerns with toxins, cleanup, the Parcel E-2 landfill, and notification issues. For the requested images, refer to Figure III.K-6 (Status of CERCLA Process) in connection with the information on toxins provided in Master Response 9 and Master Response 13. Refer to Response to Comment 55-3 for a discussion of sources of soil to be used for backfilling. Refer to Master Response 5 (Public Health) for a discussion of Bayview health patterns related to environmental justice concerns.

Response to Comment 69-2

Refer to Response to Comment 52-7 regarding neighborhood-serving retail.

Response to Comment 69-3

In terms of potential impacts of the Project on existing businesses, Draft EIR pages V-14 through -28, including the supporting appendix material contained in Draft EIR Appendix U, provide a detailed evaluation of secondary land use effects. As stated on page V-14:

Secondary land use effects can also include economic and social changes. Economic and social changes are not in themselves significant impacts on the environment; however, a physical change in the environment caused by economic and social factors attributable to a development could sometimes result in a reasonably foreseeable indirect environmental impact, such as urban decay or deterioration. ...

Impacts of construction activity on the transportation network are described on Draft EIR pages III.D-67 through -69. Buildout of the Project would occur over a 20-year period, and therefore details related to construction activities are not currently known. In terms of street closures, page III.D-68 of the Draft EIR states that:

In general, construction related transportation impacts would include impacts in the immediate vicinity of the development project under construction, on roadways within the Project site, and cumulative construction traffic impacts along the roadways in the Bayview Hunters Point neighborhood. Since the Project includes building construction as well as construction of a new street system and transit route extensions into the Project site, all Project construction operations would include plans for the closure of traffic/parking lanes and sidewalks adjacent to construction sites. The closure of sidewalks and parking lanes could last throughout the entire construction phase for each building or group of buildings. It is possible that more than one location within the Project site could be under construction at any one time and that multiple travel lane closures may be required.

However, mitigation measure MM TR-1 requires the implementation of a Construction Traffic Management Program to minimize the possibility of conflicting impacts on the roadway system, while safely accommodating the traveling public in the area. Importantly, one component of this Program is to

identify construction traffic management strategies and other elements for the Project, and present a cohesive program of operational and demand management strategies designed to maintain acceptable levels of traffic flow during periods of construction activities in the Bayview Hunters Point area. These could include construction strategies, demand management strategies, alternate route strategies, and public information strategies.

At this stage in the Project entitlement process, there is no specific map listing all street closures or lane closures, nor is information available as to the length of time of each closure; typically, this information becomes available when the construction schedule is more fully refined. However, as part of the Construction Traffic Management Program, this information could be provided. This comment will be forwarded to the decision makers for their consideration prior to approval or denial of the Project.

Lastly, in terms of the business closures associated with the Fillmore/Western Addition, the information is not relevant to the analysis of the impacts of this Project at this Project site. As previously mentioned, an Urban Decay Analysis was conducted for this Project, and the findings are presented on pages V-14 through V-28 of the Draft EIR, including the supporting appendix material.

Response to Comment 69-4

The developer selection process, a competitive process completed over ten years ago, is not the subject of the Draft EIR. The commenter references news articles about Lennar Urban and asks what measures are in place to ensure the correct mitigation procedures are followed. Refer to Master Response 17 (Enforcement of Environmental Restrictions and Mitigation Measures) for a discussion relating to enforcement of mitigation measures and other restrictions. Refer also the Mitigation, Monitoring and Reporting Plan (MMRP) for a detailed table which identifies the responsible implementing, enforcing and monitoring parties for each mitigation measure identified in the EIR.

Response to Comment 69-5

Refer to Response to Comment 50-14 regarding the proposed stadium.

■ Letter 70: Tello, Jesse (1/12/10)

1 of 2

Letter 70

Jesse Tello
1778 Newcomb
San Francisco Ca 94124

January 12, 2010

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street Ste 400
San Francisco CA 94102

RECEIVED

JAN 12 2010

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

"Peak construction employment would occur in 2016 and 2017 for Candlestick Point, with an average of 144 and a maximum of 169 workers on site in 2016 and an average of 136 and a maximum of 172 workers on site in 2017. Peak construction employment for HPS Phase II would occur in 2015 and 2016. During this time, an average of 275 workers and a maximum of 342 construction workers would be employed at HPS Phase II in 2015, and an average of 269 and maximum of 335 construction workers during 2016. A maximum of 504 construction workers would be expected to be working at the Project site at any given point during the construction period."

Of the 504 people to be employed through the project construction phase what is the requirement for them to be local bayview residents. Who or what agency will oversee this?

Has the impact been adequately evaluated as beneficial to the community based on the fact that most of the jobs will not be available for 20 years? What jobs will be made available to community and when?

In Section V-C page v-3 (go back to section 3 and compare) the EIR has stated that "Operation of the Project would result in violations of the BAAQMD CEQA significance thresholds for mass criteria pollutant emissions from mobile and area sources and contribute substantially to an existing or projected air quality violation at full build out in the year 2029"

What are the health impacts for both current residents and future residents based on this statement?

70-1

70-2

2 of 2

III H-42 "However, at this time, it is not possible to accurately predict the potential cumulative risks in the Project vicinity. Nonetheless, given the potential for these cumulative impacts to exceed the proposed BAAQMD CEQA thresholds, it is possible that the Project would contribute considerably to a cumulative impact from such sources and, therefore, may result in a significant cumulative air quality impact to sources of TAC emissions. If such an impact exists, this impact would be considered significant and unavoidable at this time, given the inability to determine the nature of such an impact accurately and, therefore, to determine whether any mitigation measures would be effective to reduce the impact to a less than significant level."

When will the community know about the impacts associated with the cumulative risks?

Given that this neighborhood already has incredibly high levels of Asthma, will this increased air quality problem increase the levels of asthma in the area?

What kinds of measures will be taken to protect resident from health problems related to air quality?

What kind of steps will be taken to inform residents of the air quality issues in the area?

It was unclear in the EIR what feasible mitigation measures would reduce or avoid the identified impacts on the issue of air quality. Please list all mitigation measures being used.

I am writing the above questions and comments as a long-time San Francisco community organizer and activist. I've lived in Bayview for over 10 years, before that I was an activist & treasurer for the Mission Coalition, organizing for community serving development. Since moving to Bayview, my health and that of my family, has been affected by all the toxins in the neighborhood. Please address the air quality questions that are not fully dealt with in the draft EIR.

As an active UFCW member, I also have multiple questions of local hiring and the inadequate job creation plans related to this development plan.

70-2
cont'd.

70-3

■ Letter 70: Tello, Jesse (1/12/10)

Response to Comment 70-1

As part of the Community Benefits Agreement, a component of the DDA that will be approved by the Agency at the time of Project approval, the Project Applicant will contribute to a workforce development fund that will be used for workforce development programs designed to create a gateway to career development for residents of the Bayview community. The Project would be developed in four major phases: Phase 1 would be completed in 2019, Phase 2 would be completed in 2023, Phase 3 would be completed in 2027, and Phase 4 would be completed in 2031. The stadium and the majority of the commercial and R&D development, which will provide jobs, would be completed by the end of the second phase.

Response to Comment 70-2

Refer to Master Response 19 (Proposed BAAQMD Guidelines) for an updated analysis of cumulative impacts associated with TAC and PM_{2.5} based on the most recent guidance from the BAAQMD, and refer to Master Response 5 (Health of the Bayview Hunters Point Community) for a discussion of health outcomes in the Bayview community.

Response to Comment 70-3

This comment primarily contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. However, with respect to the request to address air quality questions, the commenter raises specific comments earlier in her letter, and responses to those comments are provided in Responses to Comments 70-1 and 70-2. Also, with respect to the local hiring and/or the creation of local jobs, one of the EIR's objectives, as stated in Proposition G, is to create substantial affordable housing, jobs, and commercial opportunities for existing Bayview residents and businesses. Section III.C (Population, Employment, and Housing) of the Draft EIR discloses the employment opportunities that would be provided by the Project. Whether local residents choose to or are encouraged to apply for those jobs is an issue that is entirely outside of the scope of this EIR; however, this comment will be forwarded to the decision makers for their consideration prior to approval or denial of the Project.

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Letter 71: California Department of Transportation—Transportation Planning (1/12/10)

1 of 3

Sent By: CALTRANS TRANSPORTATIO PLANNING; 510 286 5560;

Jan-12-10 4:14PM;

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Letter 71

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
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TTY 711



*Flex your power!
Be energy efficient!*

January 12, 2010

SF101173
SF-101-Var
SCH#2007082168

Ms. Joy Navarrete
Planning Department
City and County of San Francisco
1650 Mission, Suite 400
San Francisco, CA 94103

Dear Ms. Navarrete:

Bayview Waterfront Project – Draft Environmental Impact Report and Appendices

Thank you for continuing to include the California Department of Transportation (Department) in the early stages of the environmental review process for the Bayview Waterfront project. The following comments are based on the Draft Environmental Impact Report (DEIR) and have the following comments.

Forecasting

On page III.D-58, Table III.D-4, shows total person trips and vehicle trips by project area. Please provide the Department with tables that show person trips and calculations of vehicle trips for each land use under each Project Condition. The Department recommends using the Institute of Transportation Engineers (ITE) Trip Generation Handbook 7th edition to calculate trips per individual land use because the large sampling is accepted as a nationwide traffic engineering practice. If the report considers person trips as the most suitable method, please validate the person trips for all land uses to be comparable to the generated vehicle trips derived from the ITE Trip Generation 7th edition method.

The ITE Trip Generation Handbook, 7th edition Chapter 7 applies internal capture rates to reduce trips among various land uses within a multi-use development. However, the trip reduction rates are only applicable to the mid-day peak hour, PM peak hour and daily traffic, not to the AM peak hour. We believe the mid-day peak hour will not coincide with the AM peak hour. Furthermore, land use plans such as Figure III.B.6 show most of the residential units beyond walking distance to retail and office land use. Also note that residents in multi-use developments do not necessarily work within the project area. The Department believes the proposed project would continue to have significant regional impacts and believes a PM trip reduction rate of 14 percent is more appropriate instead of the 28 percent for AM and 34 percent for PM used in the DEIR

71-1

"Caltrans improves mobility across California"

2 of 3

Sent By: CALTRANS TRANSPORTATIO PLANNING; 510 286 5560;

Jan-12-10 4:14PM;

Page 2/3

Ms. Joy Navarrete/City and County of San Francisco
January 12, 2010
Page 2

The DEIR uses an average occupancy rate of 1.6 persons per vehicle. The Department believes this rate is appropriate for the game day scenario, but is too large for peak periods for the remaining land uses.

↑ 71-1
cont'd.

To verify the inbound and outbound vehicle trips through major intersections, please provide turning traffic diagrams for each study intersection for the Project Only Condition, Cumulative Condition, and Cumulative plus Project Condition.

71-2

Highway Operations

Please include the following intersections in the analysis, Palou Avenue/Hawes Street, Palou Avenue/Jennings Street, Palou Avenue/Lane Street, Arelious Walker Drive/Carroll Avenue and Arelious Walker Drive/Ingerson Avenue

71-3

Is the Sunday traffic volume used in the DEIR for game day or non-game day condition?

71-4

Please provide mitigation measures for impacts to Beatty Avenue/Alana Way (Intersection #27) and Alana Way/Thomas Mellon Circle (Intersection #28) under the 2030 conditions for Project Variant Alternatives.

71-5

On page III.D-12, the DEIR states that the ramp queue storage analysis conducted at nine off-ramps shows that under existing conditions, the queues at the off-ramp approach to the signalized intersections are accommodated within the ramp storage capacity. However, Impacts TR-14 and TR-15 state that after the project is implemented, the existing queue storage space at many of the off-ramps will not be adequate. As a mitigation measure, the project should consider coordinating traffic signal timing with the off-ramp traffic demand to prevent off-ramp queues from spilling onto the freeway mainline. In addition, additional queue storage space should be added where it is needed.

71-6

In the DEIR, Impacts TR-11 and TR-13 are significant and unavoidable. The Department strongly recommends the City and County of San Francisco develop a regional transportation impact fee program to mitigate the impacts of future growth on regional corridors. Regional transportation impact fees are a permanent funding mechanism with a demonstrated nexus to project impacts. These regional fair share fees would be used to fund regional transportation programs that add capacity and/or improve efficiency to the transportation system and reduce delays while maintaining reliability on major roadways throughout the San Francisco Bay Area.

71-7

On page III.D-91, Impact TR-12, ramp metering should be identified as a mitigation measure to mitigate the traffic impact at the four freeway on-ramp locations.

71-8

On page III.D-97, Impact TR-16, it is not clear how the project would increase the traffic volume on Harney Way, but would not contribute to cumulative traffic volumes on Harney Way. Please explain.

71-9

On page 325 of Appendix D, Candlestick Point – Hunters Point Shipyard Phase II Development Plan Transportation Study, it states that, "queuing impacts associated with the post-game period at the stadium under the No Project Alternative would be similar to those occurring under existing

71-10
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"Caltrans improves mobility across California"

3 of 3

Sent By: CALTRANS TRANSPORTATIO PLANNING; 510 286 5560;

Jan-12-10 4:15PM;

Page 3/3

Ms. Joy Navarrete/City and County of San Francisco
January 12, 2010
Page 3

conditions." Please provide the queuing analysis with the proposed roadway improvements for 2030 under the No Project Alternative since the queuing may not be the same under the existing conditions.

↑
71-10
cont'd.

Environmental

Are there any restrictions in the deed transfer from the United States Navy to the City? If so, will there be land use restrictions?

↑
71-11

The Bayview Transportation Improvement Project has very recently proposed dropping the two bridge alternatives over Yosemite Slough. If the no bridge alternatives were built, how would it change the transportation circulation of the proposed project?

↑
71-12

The City and County of San Francisco should evaluate roadway operations after mitigation has been implemented to determine residual impacts. This should be done by both estimating level-of-service assuming all improvements, reporting the results and by monitoring and reporting actual roadway operations for a specified duration after implementing project development and mitigation phases. Measures should be agreed to for rectifying any facilities that operate below predicted levels. These measures should be incorporated into the project's Mitigation Monitoring and Reporting Program.

↑
71-13

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,



LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

"Caltrans improves mobility across California"

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■ Letter 71: California Department of Transportation—Transportation Planning (1/12/10)

Response to Comment 71-1

The detailed trip generation calculations requested by the Department are described in Appendix J of the Transportation Study, which is provided in Appendix D to the Draft EIR and was provided to the Department. The Appendix includes tables showing the forecasted vehicle trip generation for each land use, as requested in the comment. Appendix K of the Transportation Study Technical Appendix includes a detailed description of the trip generation methodology.

The commenter recommends using the trip internalization methodology contained in the *Trip Generation Handbook*, published by Institute of Transportation Engineers (ITE). The commenter is correct that this methodology is common for use in smaller development projects, when more accurate local data is not available. However, for an analysis on the scale of the Project, the ITE data on internal trip capture for multi-use developments is not particularly useful. First, the *Trip Generation Handbook* contains the following caution:

The data presented ... quantify the influence of several key factors on internal capture rates. Numerous other factors have a direct influence on travel at multi-use sites, factors for which the current data do not account. Additional data and analysis are desirable to better quantify the relationships between these factors and multi-use development trip generation and internal trip capture rates.

This caution acknowledges that although there are a number of factors that influence trip generation, the ITE *Trip Generation Handbook* methodology is limited in accounting for development scale and the mix of uses. The *Trip Generation Handbook* also acknowledges that the trip internalization factors presented are based on a very limited sample size (three smaller suburban sites), collected in the East Coast and that, if available, use of local data is preferable:

The estimated internal capture rates presented ... rely directly on data collected at a limited number of multi-use sites in Florida. While ITE recognizes the limitations of these data, they represent the only known credible data on multi-use internal capture rates and are provided as illustrative of typical rates. If local data on internal capture rates by land use pair can be obtained, the local data should be used.

As described below, the analysis conducted for the Project uses local data, a more robust sample size, and is more sensitive to the multiple factors that influence trip generation than the ITE methodology. In addition, the commenter provides no evidence to support their recommended internalization value of 14 percent.

Summary of Analysis

The methods commonly used for forecasting trip generation of projects in San Francisco are based on person-trip generation rates, trip distribution information, and mode split data described in the SF Guidelines. These data are based on a number of detailed travel behavior surveys conducted within San Francisco. The data in the SF Guidelines are generally accepted as more appropriate for use in the complex environs of San Francisco than more conventional methods because of the relatively unique mix of uses, density, availability of transit, and cost of parking commonly found in San Francisco. However, the methods described in the SF Guidelines cannot be directly applied to the Project because of its large scale, unique location, and distinctive character.

Similarly, standard vehicle-traffic generation rates, such as those provided by Trip Generation, 8th Edition, 2008, ITE, represent national data that may not accurately represent the unique characteristics of San Francisco and therefore, would not be suitable for the Project, unless appropriate adjustments were made to account for the Project size, mix, and availability of transit.

Therefore, estimates of the Project's travel demand were developed using state-of-the-practice methods for adjusting standard traffic generation rates. This method was originally developed for the USEPA and has been recommended for planning analyses by the California Transportation Commission (CTC) and the California Department of Transportation (Caltrans) as documented in *Assessment of Local Models and Tools for Analyzing Smart Growth Strategies* (Caltrans and DKS Associates, July 2007). This method is commonly referred to as the "4D" method, and generally accounts for the following factors that may influence traffic generation:

- **Development scale**—this "D" is the only one of the 4D's that is used in virtually all transportation impact analyses and accounts for the fact that as development scale increases, trip generation increases.
- **Density of the Project**—although trip generation increases with development scale, the higher the Project's density, the less vehicular traffic generated per unit of development
- **Diversity of uses**—an appropriate mix of uses can lead to internalization of trips within a Project
- **Design of Project**—a walkable, pedestrian- and bicycle-oriented circulation system can help to reduce automobile dependence within a Project site

The method can also take into consideration other site location factors such as "Destination accessibility" and "Distance from transit" under certain circumstances. The general concept behind the 4D method is that projects that deviate from the base case (in this case, ITE methods) with respect to the four bulleted variables above exhibit different traffic generation patterns. Elasticities have been derived from travel behavior surveys to help estimate how traffic generation changes as a function of changes in the 4D's.

Methodology

The first step in the 4D method is to define the base case. In this case, the ITE Trip Generation (8th Edition, 2008) methodology was selected as the base case, as it represents typical suburban, automobile-oriented development. Generally, the derivation of person-trip generation for the Project was taken by converting vehicle trip generation forecasts from ITE Trip Generation, 8th Edition (a more recent version of the source suggested by the commenter) to person-trips. This conversion was made by multiplying the total number of vehicle trips forecasted by 1.6 persons per auto, which is the national average vehicle occupancy for all trip types according to the results of the National Household Travel Survey conducted and published by the United States Bureau of Transportation Statistics¹¹⁷.

Once the base case is defined, the next step in the 4D process is to define the application area (i.e., the catchment area for trip internalization). For purposes of this analysis the Candlestick Point and Hunters Point Shipyard were treated as separate catchment areas.

¹¹⁷ US Department of Transportation and Federal Highway Administration, Summary of Travel Trends, 2001 National Household Travel Survey, December 2004.

The third step in the 4D process is to determine the characteristics of the Project, as they relate to the 4D variables described earlier. This process was done by comparing the Project with typical suburban development patterns. The Project's percentage differences from typical suburban developments were applied against elasticities developed from travel behavior surveys conducted by the Sacramento Area Council of Governments (SACOG) (SACOG 2009) and regional averages obtained from the Contra Costa Transportation Authority (CCTA) travel demand forecasting model.¹¹⁸ The regional averages from the CCTA model are reasonable for application to this Project as they represent typical, suburban development, similar to the ITE trip generation rates, but are also located in the Bay Area and account for regional differences between the Bay Area and the national average. The analysis found that approximately 34 percent of all AM peak hour trips and 28 percent of all PM peak hour trips would be internal to the development.

Validation

The conclusion that between 34 and 28 percent of all peak hour person-trips generated by the Project would be internal to the development is higher than trip internalizations for smaller development projects that don't constitute full service communities. Further, the scale of the Project is on the order of other entire neighborhoods in San Francisco. Recent travel behavior surveys conducted by the Metropolitan Transportation Commission (MTC) have shown, for example, that 33 percent of all trips made in San Francisco's Marina District (Census Tracts 126, 127, and 128) and 34 percent of trips made in the Inner Sunset neighborhood (Census Tracts 302.01, 302.02, and 303.01, excluding UCSF Parnassus campus) are internal to those neighborhoods (Bay Area Travel Survey, 2000). Therefore the analysis forecasts that the Candlestick Point and Hunters Point Shipyard neighborhood, both of which include a strong mix of residential, retail, recreational, and commercial uses, would function similar to other neighborhoods in San Francisco.

The 4D approach has been validated for land use plans generally of up to ½-mile radius, as uses within that proximity of each other have been demonstrated to interact according to the elasticities used in the 4D analysis. Both the Candlestick Point and Hunters Point Shipyard areas have a roughly ½-mile radius (1-mile diameter). All residential, retail, office, and other uses are within 1 mile of each other or less, and it is reasonable that they will interact. More detail on the appropriate catchment area for trip interaction is provided in Appendix K of the Transportation Study.

As noted above, the average vehicle occupancy rate of 1.6 persons per vehicle is the national average vehicle occupancy for all trip types reported by the Bureau of Transportation Statistics. The comment does not include any evidence suggesting why 1.6 persons per vehicle would not be appropriate. The comment also suggests that 1.6 persons per vehicle would be more appropriate for use in the game day scenario; however, data provided by the San Francisco 49ers suggests that existing vehicle occupancy for game days is closer to 3.0 persons per auto.

Response to Comment 71-2

The requested figures are included in the Project's Transportation Study (Figures 30A-D, 31A-D, and 32A-D). The Transportation Study was included as Appendix D to the Draft EIR.

¹¹⁸ The CCTA travel demand model was refined to correct for accurate sidewalk cover and residential density in the region.

Response to Comment 71-3

The traffic impact analysis includes four intersections along Palou Avenue (i.e., at Third Street, at Keith Street, at Ingalls Street, and at Crisp Avenue). The comment requests three additional study intersections on Palou Avenue. The additional intersections requested would be most similar in operations and traffic demand to two of the study intersections analyzed in the Draft EIR, Ingalls/Palou and Keith/Palou, because they would be signalized as part of the Project and would be generally located in the midst of the Bayview neighborhood street grid system. These two intersections were projected to operate at acceptable LOS C or better in each peak hour under year 2030 conditions with the Project. Because of similar configuration, context, travel demand, and traffic control, the intersections of Palou Avenue with Hawes Street, Jennings Street, and Lane Street would likely experience similar LOS and the Project's impacts at these intersections would be less than significant.

The comment also requests the intersection of Arelious Walker/Ingerson be added as a study intersection. This intersection would likely operate similar to the intersection of Arelious Walker/Gilman, which was projected to operate at acceptable LOS D or better in each study peak hour under year 2030 conditions with the Project. Traffic volumes at the intersection of Arelious Walker/Ingerson are projected to be less than at the intersection of Arelious Walker/Gilman. Because of similar configuration, context, and traffic control, and lower intersection volumes, the intersection of Arelious Walker/Ingerson would likely experience similar or better LOS, and the Project's impacts at this intersection would be less than significant.

Response to Comment 71-4

The Draft EIR analyzes traffic impacts for Sunday conditions without a game and with a game. Because during post-game conditions, many traffic control devices would be manually operated and intersection levels of service would be impossible to calculate, no intersection LOS was calculated for the Sunday game day scenario.

Response to Comment 71-5

As noted in the Draft EIR, the Project would contribute to significant impacts in year 2030 at the intersections of Geneva Avenue/US-101 Southbound Ramps and Harney Way / US-101 Northbound Ramps. These two intersections would be constructed as part of the Geneva Avenue Extension, US-101 Candlestick Interchange Reconstruction, and Harney Way Widening projects and would replace the existing Beatty Avenue/Alana Way and Alana Way/Thomas Mellon Circle intersections. These impacts were identified in Impact TR-6 in the Draft EIR. The Draft EIR also identified mitigation for these impacts. However, because implementation of the mitigation measure is under Caltrans jurisdiction and outside of the control of the City/Agency jurisdiction, its implementation is uncertain, and therefore the impacts were considered significant and unavoidable.

Response to Comment 71-6

The analysis in the Draft EIR assumes that traffic signal timings at ramp terminal intersections (and adjacent intersections) would be optimized to minimize queuing impacts on freeway mainlines. Therefore, no additional mitigations related to signal coordination is required.

The comment also notes that the Project should add additional queue storage space to mitigate queuing impacts to less than significant levels. Typical mitigation measures to resolve poor LOS operating conditions for ramp merge or diverge operations would be to add a lane to the ramp, or an auxiliary lane on the freeway. However, the City and County of San Francisco has a general policy not to increase the capacities of bridges, highways, and freeways for single-occupant vehicles.¹¹⁹ As a result, providing additional roadway capacity or ramp capacity was determined not to be feasible, and the ramp impacts would remain significant and unavoidable.

Response to Comment 71-7

As discussed throughout the Draft EIR section, the SFCTA is conducting a study, known as the Bi-County Study, through which funding and fair-share allocations for transportation improvements in the southeast section of San Francisco would be allocated to specific development proposals. This study will function similar to a regional impact fee program in that it will fully fund transportation improvements through contributions paid by private developers.

Response to Comment 71-8

Per Caltrans requirements for construction or modifications of on-ramps, the northbound on-ramp from Harney Way and the southbound on-ramp from Harney Way/Geneva Avenue Extension would have ramp meters installed as part of the new US-101/Harney Way/Geneva Avenue Extension Interchange project. The Project would not modify the northbound on-ramps at Alemany Boulevard or Bayshore Boulevard/Cesar Chavez and ramp meters are not proposed. Installation of isolated ramp meters would not mitigate the ramp junction LOS conditions at the identified locations. The metering of a number of on-ramps—for example, US-101 between San Jose and San Francisco, could help maintain stable flows on the mainline and improve ramp junction operations. However, additional studies would be necessary to evaluate the freeway and ramp system prior to determining the optimal configuration for US-101.

Response to Comment 71-9

The statement includes a typographical error. Impact TR-16, Draft EIR page III.D-97, has been revised as follows:

Impact TR-16	Implementation of the Project would increase traffic volumes and, but would not contribute <u>make a considerable contribution</u> to cumulative traffic volumes on Harney Way. (Less than Significant with Mitigation) <i>[Criterion D.a]</i>
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With construction of Harney Way improvements, intersection levels of service on Harney Way, east of the US-101 interchange, would be acceptable.

Response to Comment 71-10

Post-game queuing conditions under 2030 No Project conditions were determined to be similar, not the same, as existing conditions, as referenced by the commenter. Transportation Study (Appendix D of the

¹¹⁹ City and County of San Francisco, General Plan Transportation Element, Objective 3, Policies 3.1 and 3.2; Objective 18, Policy 18.3.

Draft EIR) pages 124 to 129 presents the future baseline transportation improvements that were assumed for the 2030 No Project conditions. Only planned regional roadway improvement projects of the Geneva Avenue Extension and the new US-101 Interchange at Geneva Avenue Extension/Harney Way would affect post-game conditions. Otherwise, pre-game and post-game circulation would remain similar to existing conditions. As indicated on Transportation Study page 324, due to projected increases in background traffic on the study area freeways and traffic associated with buildout of land uses already approved for HPS, congestion following a football game would worsen somewhat over existing conditions on area roadways and freeways. As part of the interchange project, additional capacity onto US-101 would be provided. As a result, although queuing and congestion due to background traffic may worsen compared to existing conditions, actual stadium clearance times may improve somewhat over existing conditions due to the increased capacity associated with the new interchange. However, the improved capacity may be limited in terms of game day operations, depending on the operation of ramp meters. Therefore, as indicated in the Transportation Study, with the existing stadium, the No Project post-game conditions would be similar to the existing congested and queued conditions.

Response to Comment 71-11

Refer to Master Response 9 (Status of the CERCLA Process) and Master Response 13 (Post-Transfer Shipyard Cleanup) for a discussion of status of the CERCLA process and the conditions surrounding the deed transfer from the United States Navy to the City, including any deed restrictions.

Response to Comment 71-12

Refer to the discussion of Alternative 2, presented in Chapter VI of the Draft EIR, for discussion of transportation and circulation conditions if the Project were constructed without the Yosemite Slough bridge.

Response to Comment 71-13

The analysis of impacts and mitigation measures presented in the Draft EIR is based on travel demand forecasts, including transit ridership, vehicle trips, etc., that include a series of assumptions that represent the best available information to the analyst. CEQA does not require that these assumptions or the resulting forecasts be confirmed following completion of a project. Although SFMTA routinely monitors its transit and roadway system and makes adjustments and improvements as travel patterns warrant, this is not required as part of the Draft EIR to mitigate significant impacts.

■ Letter 72: Muhammad, Colleen (1/12/10)

1 of 2

Letter 72

Colleen Muhammad
1232 Webster St. Apt 607
San Francisco, CA 94115

January 12, 2010

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street Ste 400
San Francisco CA 94102

Comments on 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Draft EIR

I came to the Bayview neighborhood in 1960 and lived on Innes Avenue. I later lived on Galvez and after that area was torn down by Redevelopment and I was relocated on Dedman Court. In the late 1970s, I moved out of the neighborhood, but I remained very connected to the neighborhood because my family lives there. I have lived with the effects of the sewage facility and the junk yard on Evans, as well as the many toxic industries in the neighborhood.

72-1

My main concerns in the EIR are related to safe control of hazardous and toxic materials, dust and construction debris. My uncle was a boilermaker on the Navy Shipyard for more than 10 years. He developed asbestosis from this work, and soon after died from a lung infection. His widow later died from pancreatic cancer and cancer of the ovaries. Both of them lived on Northridge Avenue, very close to the Shipyard. It is well documented that the Hunters Point Naval Shipyard is a Superfund site containing many toxic and carcinogenic chemicals that are detrimental to human health. I believe my family has been directly affected by the policies of environmental racism that allowed the Shipyard and other toxic industries to be concentrated in this neighborhood without adequate protection for the surrounding community.

This EIR is reviewing a potential new development on this Superfund sites. I have several questions related to the degree to which the Shipyard will be fully cleaned before development occurs as well as the control of the toxic materials throughout the construction process.

Hazardous Materials:

Section III.K-15 "The major components of the soil remedial actions are: excavating contaminated soil with off-site disposal, and covering with clean soil or other impervious surfaces such as pavement, concrete, or buildings;...continuing the removal of radiological contaminated building materials and soils; and implementation of Institutional Controls (ICs) to limit exposure to contaminated soil and groundwater by restricting specified land uses and activities on the parcel."

72-2

What hazardous materials will remain in each parcel? Please provide a chart listing all remaining hazardous materials in each parcel. Where will the Project obtain the "clean soil" mentioned above, and how will the Project determine its safety? How will the proposed Institutional Controls (ICs) such as covers and caps be affected by possible earthquakes and liquefaction? Has the Project studied whether tectonic activity could breach these covers and caps, releasing hazardous materials? How will the Project guarantee reasonable protection of public safety on this issue?

2 of 2

P I-5 Area where the proposed stadium would be would turn into “additional housing if a new stadium were not built.” The voters of the city adopted a policy, Proposition P, calling for clean up of the shipyard to “unrestricted use” which would allow housing. The EIR fails to provide an analysis of an alternative that would allow housing on all parcels of the shipyard. It is massively unlikely that the stadium will be built. **Provide an analysis of how the Shipyard will be cleaned to residential use.**

II-50 Demolition: “In total, approximately 971,787 tons of construction debris would be generated, including 424,681 tons from Candlestick Point and 547,104 tons from HPS Phase II. Most of the construction debris (45 percent) would consist of concrete, with the remaining debris consisting of wood (17 percent), steel (18 percent), and other miscellaneous debris (20 percent). It is assumed that the concrete debris would be recycled on site as a pipe bedding or road base; the wood debris would be chipped and sent to the local landfill for disposal; and the steel would be recycled off site for other uses.”

Where will it be stored for how long and how will the community be protected? For how many years will these materials be left before they must be removed? I remember as a child that junk and waste was left on Evans Avenue for years and as children we played there. We didn’t know any better. It wasn’t covered up or protected. The same could happen with this development and leave our children exposed to potentially toxic or dangerous dust and debris. What protections will be in place to protect the community from exposure to any harmful soils through this 30-year construction project?

These comments and questions are critical given the health crises facing residents in Bayview Hunters Point. Please provide complete maps of which parcels are being proposed for construction and answers to these questions.

Sincerely,

Colleen Mohammad

↑
72-2
cont'd.

■ Letter 72: Muhammad, Colleen (1/12/10)

Response to Comment 72-1

The comment is acknowledged. Refer to Response to Comment 72-2.

Response to Comment 72-2

Refer to Master Response 13 (Post-Transfer Shipyard Cleanup), and particularly the section on Residual Contamination Following Cleanup, for a discussion of contamination expected to remain in place after the cleanup. With regard to clean soil, Article 31 regulations establish minimum criteria for soil importation plans. While Article 31 is currently applicable only to Parcel A, the City presently anticipates that it will amend Article 31 to add contents to sections currently reserved for Parcels B, C, D, E, and F, as discussed throughout the Impacts section of Section III.K (refer to Section III.K.3, Draft EIR page III.K-38). As amended, Article 31 would similarly provide minimum criteria for soil importation plans in Phase II. Refer to Master Response 8 (Liquefaction) and Master Response 6 (Seismic Hazards) for discussions of liquefaction, seismic hazards, and public safety on those issues.

Refer to Master Response 14 (Unrestricted Use Alternative) and Master Response 15 (Proposition P and the Precautionary Principle) for discussions of an unrestricted use alternative and Proposition P, respectively.

With respect to construction debris, as the comment notes, 80 percent of the debris will consist of concrete, wood, and steel. Those materials will be recycled on site, or immediately transferred offsite where it will be recycled and/or disposed of. Where building demolition involves disruption of materials containing asbestos, lead-based paints, and other common hazards, the Project will comply with strict handling regulations and guidelines, as described in Section III.K.3 and Section III.K.4 of the Draft EIR (refer to Impact HZ-16). Also, through implementation of Article 22A, mitigation measures MM HZ-1a, MM HZ-1b, MM HY-1a.1, and MM HY-1a.2, potential impacts to the public related to handling, stockpiling, and transport of contaminated soil would be reduced to less-than-significant levels (refer to Impact HZ-6a and Impact HZ-6b). Refer also to Table III.K-2 for specific examples of methods employed to reduce environmental effects associated with certain remedial actions. For example, impacts associated with temporary soil stockpiling will be reduced by actions including covering the stockpiles, securing the site, monitoring the air, and implementing engineering controls.

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■ Letter 73: Lee, Mishwa (1/12/10)

1 of 4

Letter 73

Mishwa Lee
3 Ardath Court
San Francisco, CA 94124

January 12, 2010

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, Ste 400
San Francisco, CA 94102

RECEIVED

IAN 12 2010

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

COMMENTS TO CSPHPS DRAFT EIR

Regarding: SECTION III.M—HYDROLOGY AND WATER QUALITY

1. III.M.15,16 Also Figure III.M-5

"The Governor of California's Delta Vision Blue Ribbon Task Force has adopted a sea level rise of 55 inches by 2100 for planning purposes. . . Sea level rise presents an important issue in the planning of development and hazard analysis in coastal areas". It is clear from this and Figure III.M-5 that the proposed development must elevate much of the development area in order to prevent flooding of structures. A recent NASA study, indicates that the projections you used are low and the sea level rise is more likely to be 5 meters rather than 55 inches. I would like to know the following: 1) How will you adjust your planning to meet these new projections? 2). How many cubic yards of fill will be needed to accommodate sea level rise projections for 2075 of 36 inches? How many more yards will be needed to accommodate NASA projections? 2) Where will this fill be acquired? 3) How will the safety of the fill be determined? 4) In the phasing of the development project, during what period of time will the landfill be happening and over what period of years? 5) What dust mitigation measure will be in place to protect the community from increased exposure to dust as this volume of dust is being trucked into shipyard? 6) Along what street routes will the fill be brought in to both the Shipyard and Candlestick Park?

73-1

73-2

73-3

2. III.M.13 (section re Flood Protection)

As stated under Existing shoreline conditions "there are two low-lying areas along the shoreline at HPS Phase II and Candlestick Point... The shoreline evaluation determined that the shorelines adjacent to these areas need improvement because wave-induced run-up could result in coastal flooding unless the condition or elevation of the existing shoreline protection features along these areas is improved."

73-4

2 of 4

2

I am familiar with this area as I jog there frequently. At Candlestick Point State Park, over the last 10 years the embankment along the bay just north of the "sandy beach" has collapsed significantly, requiring the trail to be set back significantly. This is not the only area along the park trails that has eroded significantly, but because it is directly adjacent to a group picnic area and restrooms, the collapse of the trail is worrisome. This is a short amount of time for the collapse of the trail to grow quickly. I would like to know the following: 1) How will your construction schedule accommodate situations such as severe collapse of shoring? 2) I didn't come across any cost estimates for the shoring necessary to prevent collapse of park trails. 3) How will you insure safety of the park visitors who use these trails? 4) Can you provide examples of shoring in a similar type area that has prevented collapse of shoreline trails? 5) Who will be responsible for increased costs if the shoring is inadequate to prevent trail collapse? 6) It appears to me from the map on page _____ that the public areas of the development will be most vulnerable to sea level rise and consequences to parkland and trails. How will you insure that the public will have adequate space for recreation if there continues to be similar erosion of parklands along the Bay?

73-4
cont'd.

Also, there is a strong odor of methane that emanates from this area of Candlestick Point State Park. Because most of the park is fill, I am concerned that much of the development area that will be constructed on fill will be vulnerable to the release of these odors. I am concerned about the health of residents and workers who must contend with these phenomenon. I would like to know the following: 1) What studies have you used to determine if fill interacting with sea water is the source of the methane releases? 2) If none have been done, how will you determine the source of the methane odor and ongoing health hazards associated with it? 2) How will the source of the odor pollution be eliminated? 3) What impact will it have on the process of the project development? 4) How will park visitors and residents be protected from further air pollution of this type?

73-5

3. IIM-16 Water Quality Impaired Water Bodies and Total Maximum Daily Loads

"The Lower Bay (which adjoins the project area) has been identified as an impaired water body by the SWRCB in compliance with Section 303(d) of the federal Clean Water Act of 1977, because it does not meet the water quality objectives of the Basin Plan, California Toxics rule or National Toxics Rule for listed beneficial uses, such as industrial service supply; ocean, commercial and sport fishing; shellfish harvesting; estuarine habitat; fish migration; preservation of rare and endangered species; fish spawning; wildlife habitat; water contact recreation; non-contact water recreation; and navigation." Pg 16

73-6

The plan will require significant disturbance of the surrounding bodies of water, particularly Yosemite Slough, creating turbidity that will include many of these toxics and compromise the water quality for beneficial uses. The mitigation plan does not clearly explain how the lowering of water quality and the diminishing of beneficial uses will provide for the sustainability of the

environment, protect endangered and vulnerable marine species and allow for economic viability.

I would like to know the following: 1) How will the various development proposals be evaluated and rated in terms of protecting water quality in Yosemite Slough? Specifically, what criteria will be used?

2) Can you provide information comparing economic viability of various healthy wetland resources.

3) What would be the potential environmental and economic gains of eliminating the proposed bridge over Yosemite Slough.

4) How will you determine the importance of protecting fisheries, such as the spawning grounds of herring, sturgeon, mackeral and other commercial fisheries that form the basis of the Pacific Coast Fish Populations?

5) Please provide maps specifically illustrating the development impacts affecting the slough in both the bridge and non-bridge alternatives.

Regarding SECTION 3.J Cultural Resources

pg: 3.j.1 This section is based on the "Historical Context for the Archeology of the Bay View Waterfront Project" a study conducted by Archeo-tech, on file with the city but not available to the public. I would like to know if this study has been made available to Ohlone people who are registered with the Native American Heritage Commission? If not, how will they be included in evaluation of plans already made that pertain to their patrimony and heritage? How will they be included in further plans for the known Ohlone/Costanoan sites within the project area and subsequent ones that are predicted to be discovered?

Pg: 3.j.2 The DEIR acknowledges that there are "new research tools such as GIS and Geo archeological techniques have not been utilized for Ohlone sites and would yield new information. I would like to know how you will include Ohlone people in the utilization of these new tools?

Pg. 3.j.3 "Almost no dating of pre-historic sites in the SE part of SF has been completed." What plans do you have to complete this before construction begins?

Pg. 3.j-18 The EIR states that "The highest potential for intact cultural deposits is below the fill level and above the original bay shore." Yosemite Slough is likely to contain such intact sites as implied. How will construction, (particularly Yosemite Slough Bridge if approved) protect the likely submerged Ohlone resources?

Pg. 3.j-31 Local SF Planning Department Procedures: According to the BayView Area Plan, in March 2006 a goal was adopted to conserve the archeological and cultural heritage of the BayView's indigenous populations. Furthermore, according to the DWEIR, the SF Planning Dept "...recognizes the significance of this deep cultural heritage and therefore regards the entire geographical area covered by the plan as having potential archeological significance." Given this information, how is the developer and planning dept. preparing for further discoveries? What plans have already been made to include the Ohlone in the planning process? Will Ohlone people be able to participate in choosing from various alternatives or mitigations? How does the planning dept. intend to assure this process? What specific steps will be taken?



4 of 4

4

pg 3.j-38 DEIR states "Archeological consultant shall train all project construction personnel who can be reasonably expected to impact archeological resources. The archeological monitors shall be present." Provide documentation that this was done in phase I of the Bayview Hunters Point Shipyard development. Also provide documentation of any mitigations pertaining to American indian resources in phase I. Were findings reported to the ERO for Phase I? Pg 3.j 40-41. "All the harms {(I assume they pertain to cultural resources)} will be reduced to less than significance through the "Arch Research Design and Treatment Plan." Is there one that was submitted during Phase I construction? If so, will you please indicate if any Ohlone were present and under what circumstances.

73-16

Questions referring to the general intent of the DEIR without noting specific areas of the DEIR: I am concerned that the developer will be able to carry out construction procedures that protect the environment^{deat} for flora, fauna, residents and workers. This is a massive undertaking on a very contaminated Superfund site. Could you provide an accounting of Phase I of development, indicating if the developer received any citations for non-compliance? In this manner we will be able to determine if mitigation measures will be implemented in Phase II.

Mishwa Lee 1/12/10

■ Letter 73: Lee, Mishwa (1/12/10)

Response to Comment 73-1

Refer to Master Response 8 (Sea Level Rise) and Responses to Comments 36-2, 57-1, and 58-3 for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur.

If sea level rise were to occur beyond that which the project will initially provide for, the perimeter will be raised to provide continued protection. As future improvements to the perimeter will not occur for decades and would be subject to regulatory approval at the time of need, fill quantities for the potential improvements are unknown. However, several concepts for perimeter improvement have been provided in Master Response 8 (Sea Level Rise).

With respect to the amount of fill necessary to accommodate sea level rise projections of 36 inches and National Aeronautics and Space Administration (NASA) projections of up to 5 meters, Table II-12 (Summary of Project Site Grading Requirements) of Section II.F.2 (Site Preparation and Earthwork/Grading) on page II-54 of the Draft EIR summarizes the Project's grading requirements that will provide for a minimum sea level rise allowance of 36 inches in the development areas and 16 inches at the shoreline. As described in Section II.F.2, pages II-69 to II-70, and MM HY-12a.1 and MM HY-12a.2, pages III.M-100 to III.M-102 of the Draft EIR, and further outlined in Master Response 8, if sea level rise exceeds 16 inches an adaptive management strategy is in place to continue providing protection to the Project site for higher levels.

Response to Comment 73-2

Refer to Response to Comment 47-42 for a discussion of the manner in which fugitive dust was analyzed in the Draft EIR, as well as a description of the mitigation measure that would reduce fugitive dust impacts to a less-than-significant level.

Response to Comment 73-3

Fill material brought to HPS Phase II would be delivered via SFMTA-approved surface truck routes (SFMTA San Francisco Truck Route Figure, January 29, 2010, or future updates) and via barges from the San Francisco Bay. The Construction Traffic Management Program specified by mitigation measure MM TR-1 would establish approved haul routes. In general, truck traffic routes to HPS Phase II would utilize US-101, exit onto Cesar Chavez Street, use Cesar Chavez Street to 3rd Street, then utilize the Evans Avenue/Hunters Point Blvd/Innes Avenue corridor to HPS Phase II. Trucks bringing fill to Candlestick Point would utilize US-101, exit onto Harney Way as it is a designated Commercial Throughway and leads directly to Candlestick Point. Alternate routes as approved by SFMTA would be used if needed.

Response to Comment 73-4

With Respect to the commenter's questions related to costing and construction schedule the comment is noted and the responsibility of costing of operation and maintenance for the existing state parks will be clearly identified prior to the undertaking of any construction activities.

With respect to the protection of trails the project characteristics, which are discussed in Section II.E (Project Characteristics), the Draft EIR, page II-7, second to last paragraph, states that:

... Shoreline improvements would also be provided to stabilize the shoreline. ...

An analysis of the wave environment was completed and used to select improvements which would protect the shoreline from erosion.

With respect to protection of the people who use the trails along the shoreline edge, the selected shoreline improvements have been designed to provide protection from a 100-year event. The crest elevation of shoreline improvements were developed based on the criteria set forth by the Federal Emergency Management Agency to prevent flooding and the Technical Advisory Committee on Flood Defense to ensure that shoreline edges would be safe for pedestrians during storm events.

Examples of shoreline improvements that have been used in a similar type area to prevent trail collapse include Rock Revetments, Articulated Concrete Block (ACB) Mats, Beaches, and Marsh habitats (improvements are listed in order of use in relation to highest wave environment to lowest wave environment). The ACB Mats are provided as an alternative to Rock Revetments where the wave environment is relatively calm. These methods of shoreline stabilization have been used successfully at Treasure Island, Robert W. Crown Memorial State Beach, and Redwood Shores Levee Trails.

Refer to Master Response 8 (Sea Level Rise) for a discussion of strategies to continue providing protection along the shoreline edge as sea levels increase in the future.

Response to Comment 73-5

The commenter incorrectly states that a "strong odor of methane" emanates from the embankment along the Bay near the group picnic area and restrooms. Methane is an odorless, nontoxic gas, but it can create a potential explosion hazard if it collects inside of a structure. Methane is typically associated with subsurface petroleum hydrocarbon degradation, landfills, and livestock operations. As stated in Section III.K.2 (Setting) on Draft EIR pages III.K-5 through -8, there are currently no known, unremediated, or active hazardous materials release sites at Candlestick Point. Due to the organic nature of material at the Bay margin, the odors the commenter has experienced, while not related to methane, may be due to the degradation of plant and marine debris commonly found at the Bay margin. These Bay margin odors are not a health threat to residents or workers. There are no studies planned in regards to the fill and seawater interaction, as the odor is not related to pollution and is not a source of air pollution. As stated in Draft EIR Section III.B (Land Use and Plans), the Project includes improvements to CPSRA, but these odors are not expected to impact the Project development process or the park improvements. The commenter does correctly point out an area of localized embankment sloughing along the park shoreline. Such localized slope failures are consistent with the dynamic natural environment along the shoreline and will require ongoing maintenance by State Parks staff.

Response to Comment 73-6

The commenter correctly states that the development plan will require substantial disturbance of the surrounding bodies of water, particularly within Yosemite Slough. Section III.M (Hydrology and Water Quality) of the Draft EIR includes mitigation measures that would reduce the impacts to water quality and beneficial uses of receiving waters to a less-than-significant level. Mitigation measure MM HY-1a.1 starting on page III.M-58 of the Draft EIR, and mitigation measure MM HY-1a.2 starting on page III.M-61 of the Draft EIR, require a preparation of a Stormwater Pollution Prevention Plan to protect receiving waters from sediment discharge caused by erosion, and other pollutants from construction activities occurring on land. Therefore, it is incorrect to state, as the comment does, that water quality and beneficial uses would be compromised, lowered, or diminished.

Impacts to biological resources associated with disturbance of surrounding water bodies are primarily addressed in Section III.N (Biological Resources). Mitigation measure MM BI-4a.1, starting on page III.N-59 of the Draft EIR addresses temporary and/or permanent impacts to wetland habitat, and requires the Project to comply with the various regulatory permits for in-water construction (such as a Clean Water Action Section 401 Water Quality Certification), to protect water quality and biological resources. Mitigation measure MM BI-4a.2 starting on page III.N-62 of the Draft EIR requires implementation of specific best management practices during in-water construction, such as installing sediment curtains around the worksite to minimize sediment transport. Implementation of these mitigation measures would reduce the impacts of in-water construction of the Yosemite Slough bridge to a less-than-significant level. Mitigation measure MM BI-4c on page III.N-68 of the Draft EIR mitigates the impacts on aquatic habitat from permanent shading caused by the Yosemite Slough bridge. Consequently, implementation of in-water construction would not lower water quality or diminish beneficial uses of Project receiving waters. Refer also to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]).

All five Project Variants, which are described in Chapter IV (Project Variants) of the Draft EIR, must be equally protective of water quality. Protection of water quality will be achieved by requiring the Project Applicant to implement mitigation measures (as described above) that would reduce water quality impacts to a less-than-significant level, such that the Project would not cause or contribute to a violation of water quality objectives, or contribute additional impairment to the Lower Bay, which is on the CWA Section 303(d) list of impaired water bodies.

The Project Variants include changes in land use (such as research and development or residential land use in lieu of the 49ers Stadium) and a utility variant that allows for on-site wastewater treatment in lieu of conveying Project wastewater flows off site to the Southeast Water Pollution Control Plant. It is anticipated that wastewater discharged from the on-site treatment plants into receiving waters would be subject to similar regulatory effluent discharge limits as the Southeast Water Pollution Control Plant, which is described starting on page III.M-40 of the Draft EIR. One exception is that on-site wastewater treatment facilities would not be subject to the Federal Combined Sewer Overflow Policy, as this policy only applies to discharges to a combined sewer system (i.e., wastewater and stormwater), and on-site facilities would only treat wastewater and not stormwater flows.

Response to Comment 73-7

The commenter requests a comparison of economic viability of various healthy wetland resources. This is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. Further, the comment is unclear; therefore, an appropriate response cannot be made. No further response is required.

Response to Comment 73-8

Refer to Response to Comment SFPC-30 for a discussion of potential impacts to fisheries.

Response to Comment 73-9

Figure III.N-5 in Section III.N (Biological Resources) provides a figure depicting the Project's impacts to wetlands and other waters, including impacts of the bridge in the Yosemite Slough area, which is detailed in Area 2. With respect to non-bridge alternatives, no impacts to this area would occur. Figure III.N-5, including the accompanying calculations and explanatory text, has been revised in Section F (Draft EIR Revisions).

Response to Comment 73-10

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under Senate Bill 18 SB 18.

Response to Comment 73-11

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18. The comment notes that Draft EIR page III.J-2 states geoarcheology and Geographic Information Systems (GIS) are recent tools that have provided more complete information on archaeological sites in San Francisco. As discussed in that response, the City is undertaking outreach, separate from the EIR process, intended to elicit a full understanding of concerns that Native American tribes and organizations have about the Project, how the concerns may be addressed, and any other suggestions or recommendations the Native American tribes or organizations may have. Those suggestions or recommendations may include the use of specific research methods at Native American archaeological sites.

Response to Comment 73-12

Mitigation measure MM CP-2a, Section III.J, pages III.J-36 through -39, provides for a series of steps, including pre-construction testing under the direction of a qualified archeologist, to identify potential cultural resources. Implementation of the Project's Archaeological Research Design and Treatment Plan (ARDTP), cited in the mitigation measure, would also include research guidance to determine factors such as dating of pre-historic sites.¹²⁰

¹²⁰ Archeo-Tec, *Archaeological Research Design and Treatment Plan for the Bayview Waterfront Project, San Francisco, California*, November 2009. The prior name of the Project was the Bayview Waterfront Project. Some of the technical studies completed for the Project use the former name if they were prepared prior to August 2009; however, regardless of name, the reports address conditions at the Project site.

Response to Comment 73-13

The Draft EIR, as noted in the comment, acknowledges the potential for prehistoric resources to be present in shoreline areas of the Project site. Those areas would include Yosemite Slough. Construction activities at Yosemite Slough with the Project would be subject to implementation of mitigation measure MM CP-2a, which requires pre-construction testing and other evaluation prior to development. As discussed on Draft EIR page III.J-36 this would reduce impacts to archaeological resources to a less-than-significant level.

Response to Comment 73-14

Refer to Response to Comment 73-13 regarding mitigation proposed to reduce impacts to archeological resources present in the shoreline.

Response to Comment 73-15

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under Senate Bill 18 (SB 18).

Response to Comment 73-16

Draft EIR Chapter I (Introduction), Section I.B.2 (Redevelopment Plans – Hunters Point Shipyard Redevelopment), pages I-2 to I-4, discusses the approval of what is now referred to as Hunters Point Shipyard Phase I. Phase I is under construction and is not part of the proposed Project. Phase I development is subject to the mitigation measures identified in the Hunters Point Shipyard Reuse Final EIR, certified February 8, 2000, and subsequent Final EIR Addenda issued in November 2003 and July 2006. The Final EIR included a background report addressing potential prehistoric sites at the Shipyard and the November 2003 Addendum discussed the presence of Native American sites. The Mitigation Monitoring and Reporting Plan (MMRP) for Hunters Point Shipyard Phase I required that, for any project disturbance below the layer of historic fill within four identified archaeological sensitivity zones, that archaeological consultants prepare an archaeological treatment plan and monitoring plan. Zone 1 in Phase 1 specifically related to Native American sites. No Phase I activity has occurred in the four identified archaeological sensitivity zones that would trigger the preparation of an archaeological treatment and monitoring plan as required in the MMRP. No other disturbance of archaeological resources has been identified during Phase I development.

The MMRP also required instruction of project construction contractors about the archaeological sensitivity of the area and the Final EIR adds the additional requirement of the distribution of the Planning Department “Alert Sheet” to all project contractors and that signed verification of this distribution be submitted to the Planning Department Environmental Review Officer (ERO). However, the ERO does not have a record of that verification.

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■ Letter 74: Matlock, Perry (1/11/10)

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Letter 74

PERRY MATLOCK
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PETLENOC — YELAMU
MUWEKMA OHLONE NATION
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415-221-4240
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RECEIVED
JAN 17 2010
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M.E.A.

Monday, January 11th, 2010

Dear Review Officer, regarding
the Hunters' Point Shipyard
Phase II Draft Environmental
Impact Report,

I am writing to you as
a born and raised San Fran-
ciscan. I hold over 20 years
of experience as a volunteer
for the International Indian
Treaty Council, an NGO, with

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2

Observer status in the United Nations. Through the years, I have also volunteered for the American Indian AIDS Institute, the American Indian Movement, the Vallejo Intertribal Council, the California Archaeological Site Stewardship Program, Indian People Organizing for Change, and the Shellmound Peace Walk. I also served as the treasurer and a trustee for the building trades union, Local 510 - Sign Display, during



74-1
cont'd.

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3

1999 - 2005. I write to you as a volunteer, for I am not a representative nor a spokesperson. I wish to comment on this Draft EIR and the land use of Hunters' Point.

First of all, it must be the policy of the San Francisco Redevelopment Agency to return all lands which once were part of the Hunters' Point Naval Shipyard to the Mowekma Ohlone Tribal Council. This would be not only in spirit of the July 15, 2002 Resolution, number 489-02, adopted on the "urging the

74-1
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4

United States Congress, the Department of the Interior and its Bureau of Indian Affairs to reaffirm and restore the Muwekma Ohlone Tribe of the San Francisco Bay Area as a Federally Acknowledge Indian Tribe, but also in international ethics in that every nationality has a right to a homeland. The Treaty of Fort Laramie with the Great Lakota Nation, also, indicates that Native People have the right of first refusal when military-federal lands become surplus. This is an opportunity to make some amends to a nationality



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5

who suffered, having their entire homeland stolen. The San Francisco Redevelopment Agency and Planning Department ought to set a precedent by recognizing the genocide which the Mowekma Ohlone People experienced and the cultural genocide which the Mowekma Ohlone People continue to see, today, as their ancient monuments, the shellmounds, are legally being destroyed.

The Mowekma Ohlone have had no choice in compromising, for the policies, all these 200 plus years, have been forced upon them. You must take a new approach. You must tell the Mowekma Ohlone Tribal Council, "this is your land. How may we return it to you?"

Any other approach, in concern with the Hunters' Point Naval Ship-

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6
yard will constitute the racist policy
of "Manifest Destiny." You must re-
turn all this land to the Mowekma
Ohlone Nation. This is your prime
opportunity. If you pass up this
opportunity; then, I must say, that you
have contributed to "ethnic cleansing."
Please, permit the Mowekma Ohlone
to, at least, have some of their own
country back.

In Randall Milliken's, A Time
of Little Choice, which is cited in
the Draft EIR, one can learn that the
Mowekma Ohlone People of Yelamu
(please, see page 260), "had marriage
ties to the Muckians across San Fran-

74-1
cont'd.

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7

Cisco Bay to the east and with
Puvunistac village to the southwest."
Thus, the San Francisco Redevelopment
Agency and Planning Department ought to
conduct direct meetings with the
Mowekma Ohlone Tribal Council, who
are the people of this land. In ad-
dition, the Ssalous, who visited Yelamu
in August of 1776 (please, see page 63),
also had marriage ties with the Yelamu.

The Mowekma Ohlone are
not extinct (please, see the companion
book to Randall Milliken's, The Ohlone
Past and Present, compiled by Lowell
John Bean, chapter 11, "The Ohlones:
Back from Extinction"). The Mowekma
Ohlone preserve their traditions, culture,

74-1
cont'd.

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8
and ceremonies. What is at stake for the Mowekma Outlaw includes their own affirmation as a nationality and the preservation of their physical heritage. That physical heritage constitutes village places, shellmounds, rock carvings, burials and funerary sites, and other geographic locations important to them.

Hunters' Point holds several ruins of shellmounds. It ought to be an honor to help restore or preserve whatever can be preserved of these ancient monuments.

I mentioned that I am a volunteer for the "Shellmound Peace Walk". These walks which occurred in 2005, 2006, 2007, 2008, and last year as well, brought attention to these former "wonders of the world." All of us learned a great amount from these epic 2-week long

74-1
cont'd.

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events which even included a pass by the
Hunters' Point area. The shellmounds of
Amocac and Tubssinte were acknowledge
I can tell you that not only are the
shellmounds ancient cemeteries, but also
they are "living" cemeteries because the
Miwokma Ohlone, today, continue to pray
for and show respect to their own ancestors
who rest in these shellmounds.

Unfortunately, most of the
shellmounds have been excavated by
archaeologists, and the bones and ritual
items have been removed and remain in
storage at U. C. Berkeley. The Miwokma
Ohlone request that their ancestors be
returned and placed back into their
proper funerary locations.

74-1
cont'd.

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10

This is the issue with the whole Draft EIR. All this land must be returned to the Muwekma Ohlone Tribal Council.

There must be no additional nor intentional destruction of the shellmounds.

There must be no bridge constructed across Yosemite Slough.

All toxic deposits must be removed from the greater Hunters' Point area with health guarantees to the immediate community.

To deny the Muwekma Ohlone this opportunity to recover a tiny piece of their own homeland resembles a most hateful stance during a time when we truly have an opportunity to make an honest attempt to make amends. This is their country. Why must other people main-

74-1
cont'd.

74-2

74-3

74-4

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11

train the trend to steal something
which the world knows belongs to the
Mowekuz Ohlone Nation.

If stealing is bad; then, return
Hunters' Point to the Mowekuz
Ohlone Nation. Otherwise, what are you
teaching people?

Perry Matlock

Perry Matlock

save the shellmounds@hotmail.com

415-221-4240

Monday, January 11, 2010

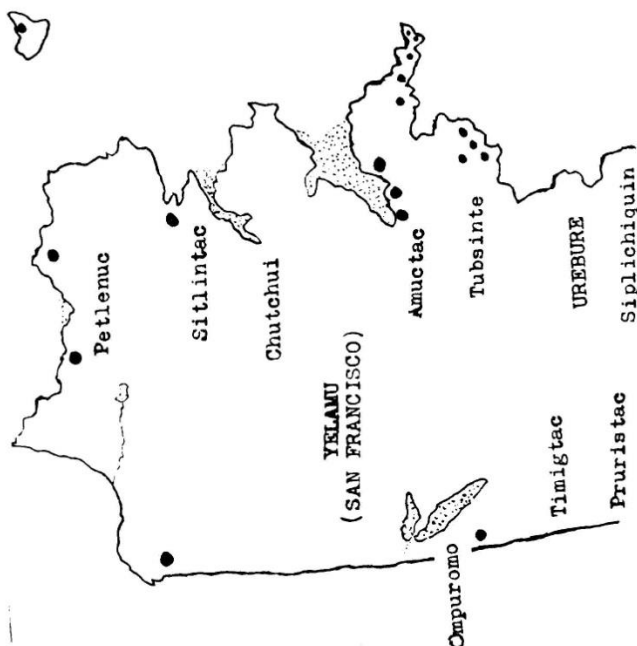
P.S. Please see the enclosed resolution
number 489-02 and the shellmound
information piece. ♡
thank you

74-4
cont'd.

74-5

SAVE THE SHELLMOUNDS!

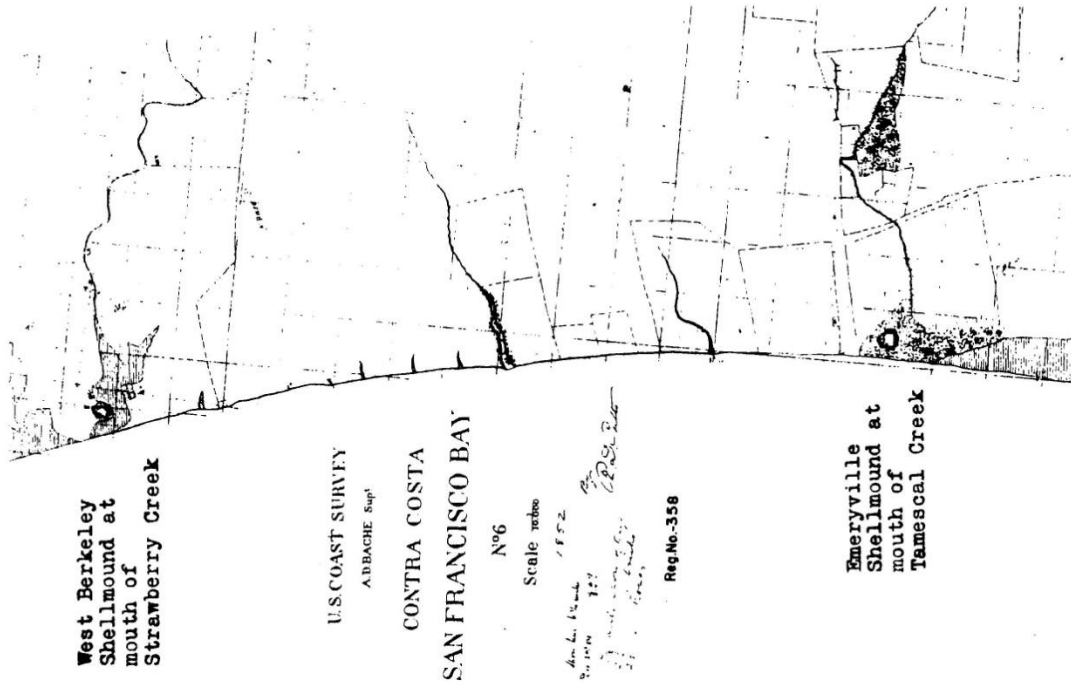
Beneath the streets and landfill of Emeryville, San Francisco, and much of the Bay Area endure the ancient monuments and funerary places of the Muwékma Ohlone Nation, whose homeland is the San Francisco Bay Area. The Spanish invasion, beginning in the 1770s, decelerated the sovereignty, culture, religion, and language of the Muwékma Ohlone. Today, the physical legacy of the Spanish invasion includes the Mission Dolores and the Presidio's Officers' Club in San Francisco, for both structures were erected in the 1770s. However, the physical legacy of the Muwékma Ohlone has not received equal preservation nor respect. Prior to the Spanish invasion some 500 shellmounds lined the sea and bay shores of the San Francisco Bay Area. These mounds, generally consisting mostly of molluscan shells, were made by the Muwékma Ohlone for thousands of years, and act as cemeteries. Sadly, archaeologists have referred to these shellmounds as "middens." A "midden" is defined as a waste pile, for the word's origin occurs in Middle English/Norse, and means a "dung hill."



This map of "pre-invasion" Yelamu (San Francisco) shows village names and shellmound areas (the dots). The Muwékma Ohlone were federally acknowledged in 1906, and they continue to work with the government for full recognition. For more info, please see: muwékma.org, vallejo@intertribalcouncil.org, franciscodacosta.com contact: shellmoundwalk@yahoo.com produced by perry matlock 415-221-4240

74-5
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The Muwekma Ohlone term to describe a shellmound is not available or not known, for the destruction of the local language has brought much harm. Some of these shellmounds might not have functioned as cemeteries, yet in any case, they remain the cultural treasures of the Muwekma Ohlone Nation. The 1852 U.S. Coast Survey map on the right actually features two of the Muwekma Ohlone's shellmounds. The gargantuan size of these ancient monuments, perhaps wonders of the world, is attested, here. The Muwekma Ohlone continue to live amongst the now called San Francisco Bay Area, and they see these shellmounds as living cemeteries where their ancestors rest. To intentionally demolish a cemetery is universally considered a hate-crime. Unfortunately, no laws exist to prevent the erasure of Muwekma Ohlone cemeteries, the shellmounds. This is the homeland of the Muwekma Ohlone Nation. As new residents and visitors to their country, we ought to show the same respect we would expect to our far distant homelands and cemeteries.



74-5
cont'd.

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FILE NO. 021194

RESOLUTION NO. 489-02

1 [Muwekma Ohlone Tribe]

2

3 **Resolution urging the United States Congress, the Department of the Interior and its**
4 **Bureau of Indian Affairs to reaffirm and restore the Muwekma Ohlone Tribe of the San**
5 **Francisco Bay Area as a Federally Acknowledged Indian Tribe.**

6

7 WHEREAS, Based upon the determinations made by the Bureau of Indian Affairs and
8 the United States Federal District Court of the District of Columbia Circuit, Case No. 99-3261
9 (RMU) the Muwekma Ohlone Tribe is identified as the indigenous Native American Tribe of
10 the San Francisco Bay Area; and

11 WHEREAS, The Muwekma Ohlone people, who never left their aboriginal land and
12 were once pronounced extinct by anthropologists, have retained their culture and social
13 identity for the past 230 years; and,

14 WHEREAS, The Ohlone people have left a record of approximately 13,000 years of
15 human history; and,

16 WHEREAS, The United States Government maintained a "trust" relationship with three
17 Costanoan tribal groups, including the Muwekma, historically identified as the Verona Band,
18 by the Bureau of Indian Affairs from 1906-1927; and,

19 WHEREAS, The Muwekma Ohlone Tribe were illegally removed from the Federal
20 Register in 1927 despite its "trust" relationship and its previous efforts to foster and secure
21 federal recognition as an Indian tribe; and,

22 WHEREAS, The Muwekma Ohlone tribe enrolled with and was approved by the
23 Bureau of Indian Affairs under the 1928 California Jurisdictional Act, and have since
24 organized themselves according to the Bureau's directives, still have no right to be legally
25

Supervisor Newsom, Peskin, Daly
BOARD OF SUPERVISORS

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7/2/2002

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cont'd.

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1 considered an Indian Tribe without first obtaining reaffirmation and formal acknowledgement
2 by the Secretary of the Interior; and,

3 WHEREAS, There are over 400 identified descendents of the Muwekma Ohlone Tribe
4 in the San Francisco Bay Area; and,

5 WHEREAS, European migration led to the near decimation of the Muwekma Ohlone
6 Tribe and the lack of formal recognition after 1927 by the Department of the Interior suggests
7 a disregard for the cultural diversity and historical presence that the Muwekma have offered to
8 our state, including service in the United States Armed Services in previous wars and military
9 conflicts; and,

10 WHEREAS, The Board of Supervisors has officially supported the Muwekma in its
11 efforts for recognition through legislation commending their efforts and historical and social
12 accomplishments in 1992 on file with the Clerk of the Board of Supervisors in File No. 6-92-
13 13, and also supporting the requests for historical claim by the Muwekma Ohlone Tribe at the
14 Presidio of San Francisco in 1998, on file with the Clerk of the Board of Supervisors in File
15 No. 98-0824; and,

16 WHEREAS, It is imperative that the Department of the Interior and the Federal
17 Government officially recognize the historical and social history of the Muwekma Ohlone
18 through its efforts to attain federal recognition; now, therefore, be it

19 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
20 does hereby urge the United States Congress and the Department of the Interior and its
21 Bureau of Indian Affairs to reaffirm and restore the Muwekma Ohlone Tribe of the San
22 Francisco Bay as a Federally Acknowledged Indian Tribe; and, be it

23 FURTHER RESOLVED, That the City and County of San Francisco does hereby ask
24 that copies of this resolution be sent to our congressional representatives, the Secretary of the
25 Department of the Interior and His Honor the Mayor, with instructions that all actions be taken

Supervisor Newsom
BOARD OF SUPERVISORS

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cont'd.

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1 to support and ensure the immediate reaffirmation and restoration of the Muwekma Ohlone
2 Tribe as a Federally Acknowledged Indian Tribe, and include them within the Federal Registry
3 of Recognized Tribes under the Bureau of Indian Affairs.
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74-5
cont'd.

Supervisor Newsom
BOARD OF SUPERVISORS

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6/25/02



City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 021194

Date Passed:

Resolution urging the United States Congress, the Department of the Interior and its Bureau of Indian Affairs to reaffirm and restore the Muwekma Ohlone Tribe of the San Francisco Bay Area as a Federally Acknowledged Indian Tribe.

July 15, 2002 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Leno

File No. 021194

I hereby certify that the foregoing Resolution was ADOPTED on July 15, 2002 by the Board of Supervisors of the City and County of San Francisco.

74-5
cont'd.

Gloria L. Young
Clerk of the Board

JUL 24 2002

Date Approved

Mayor Willie L. Brown Jr.

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■ Letter 74: Matlock, Perry (1/11/10)

Response to Comment 74-1

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18.

Response to Comment 74-2

The comment opposing development of the Yosemite Slough bridge is not a direct comment on the content or adequacy of the Draft EIR. The comment will be forwarded to the decision makers for their consideration prior to approval or denial of the Project.

Alternative 2: CP-HPS Phase II Development Plan; No Yosemite Slough Bridge, Draft EIR pages VI-30 through VI-59, is a Project alternative with no Yosemite Slough bridge.

Response to Comment 74-3

Please refer to Master Response 9 (Status of the CERCLA Process) for a discussion of the cleanup process and the current status of each parcel undergoing the CERCLA process; Master Response 13 (Post-Transfer Shipyard Cleanup) for a discussion of cleanup activities for clarification regarding who will be responsible for any cleanups necessary after transfer and what types of residual contaminants will remain at the site after transfer; Master Response 14 (Unrestricted Use Alternative) for a discussion of the relationship between the remediation program and the project; Master Response 15 (Proposition P and the Precautionary Principal) for a discussion of how Proposition P and the Precautionary Principal relate to the remediation program and the project; and Master Response 16 (Notifications Regarding Environmental Restrictions and Other Issues) for a discussion of how future property owners and residents, adjacent property owners and residents, and neighboring schools and residents will be notified of the type of restrictions that will be imposed on the property, the type of contaminants remaining in the property, any releases or potential releases of contaminants, and violations of environmental regulations or mitigation measures by the Project Applicant.

Response to Comment 74-4

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18.

Response to Comment 74-5

This comment contains information on the history of the Muwekma Ohlone tribe and its legal status as a Native American tribe and is not a direct comment on the content or adequacy of the Draft EIR. No response is required.

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■ Letter 75: Sierra Club (1/12/10)

1 of 17

Letter 75

From: Arthur Feinstein <arthurfeinstein@earthlink.net>
To: Muraoka Stan <Stanley.Muraoka@sfgov.org>
Date: 01/12/2010 02:53 PM
Subject: Sierra Club Comments CANDLESTICK POINT-HUNTERS POINT SHIPYARD PHASE II
DEVELOPMENT PLAN PROJECT (DEIR)



CP-HP DEIR commts.doc

Dear Mr. Muraoka ,Here are the Sierra Club comments on the CANDLESTICK
POINT-HUNTERS POINT SHIPYARD PHASE II DEVELOPMENT PLAN PROJECT Draft
Environmental Impact Report (DEIR). thank you for your attention to
our concerns.

yours,
Arthur Feinstein



San Francisco Bay Chapter
Serving Alameda, Contra Costa, Marin and San Francisco

Environmental Review Officer
San Francisco Redevelopment Agency
One South Van Ness Avenue
San Francisco, California 94103

Sent by email to: Stanley.Maruoka@sfgov.org
Hard copy to follow

January 12, 2010

RE: CANDLESTICK POINT–HUNTERS POINT SHIPYARD PHASE II
DEVELOPMENT PLAN PROJECT Draft Environmental Impact Report (DEIR)

Dear Sirs and Mesdames:

The Sierra Club submits the following comments on the Draft EIR referenced above. We find the DEIR fatally flawed in its failure to identify in its analysis of the Preferred Alternative (Project) that Project's significant and unmitigable impacts to the biological resources and aesthetics of Candlestick Point State Recreation Area (State Park), as well as its failure to meet the goals of Proposition G by failing to adequately connect the Bayview community with the new Project when considering transportation alternatives and failing to provide long-term job opportunities to the Bayview community.

75-1

While being very supportive of the concept of a development at Candlestick/Hunters Point, we believe that any such project must provide real and long lasting benefits to the existing environmental justice Hunters Point/Bayview communities.

75-2

Such benefits should include opportunities for employment other than the low-end and entry-level retail jobs the Project proposes through its proposed mall and other retail elements. The other job-generating feature of the Project is a Research & Development (R&D) element but jobs for R&D require high-end college educated personnel. People with this educational background are not common in the Bayview that has a tradition of blue-collar employment.

75-3

We urge the Planning Department and the Redevelopment Agency to look closely at Arc Ecology's proposed alternative for the project. The Arc alternative proposes Port-oriented heavy industry as a means of providing such blue-collar jobs. The Sierra Club endorses

75-4

Sierra Club comments
CP-HPS PHII DEIR

Page 2

the Arc Ecology Alternatives as Alternatives that more adequately address the goals of Proposition G and that avoid the non-mitigable significant environmental impacts that will result from the Project.

We will now address specific issues in the DEIR in which that document fails to address or even identify significant environmental impacts that will result from the implementation of the Project.

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cont'd.

Impacts to Candlestick Point State Recreation Area

Aesthetics

Unbelievably, the DEIR fails to identify the construction of an approximately eighty-one foot wide bridge across Yosemite Slough as an aesthetic impact to the State Park through which this bridge is constructed.

The mission of California State Parks is:

To provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

A new, as yet unconstructed, bridge cannot be considered a natural resource or a cultural artifact and as can be seen from FIGURE III.E-24, the bridge will present a clear disruption of views from the head of Yosemite Slough to the Bay. Presently, this view provides people seeking to enjoy the natural values and views of the State Park an undisturbed view of the Slough and the South Basin where thousands of waterfowl and shorebirds are feeding in the bay waters or mudflats, depending upon the tides and season. This is the type of experience and views that State Parks were created to preserve and provide as can be seen from the Mission Statement. Steel and concrete and asphalt are not why people go to State Parks. A bridge will forever destroy the ability of people to have that undisturbed nature experience.

The State Park has abundant wildlife and an unusual degree of biodiversity in such an urban setting. In 2003-2004 the Golden Gate Audubon Society undertook a wildlife survey in the State Park. I managed that survey in my position as the Conservation Director of that organization at that time. That survey (*Final Report Yosemite Slough Watershed Wildlife Survey, LSA, July 2004*) identified the presence of 148 species over the time of the survey. Another 36 bird species were identified in the State Park over a 20-year period by expert Audubon birder Alan Hopkins. This adds up to 184 species, and at a recent event in the Park a butterfly expert identified yet another butterfly species not previously seen in San Francisco.

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CP-HPS PHII DEIR

Page 3

On each side of Yosemite Slough our wildlife surveyors observed snakes, lizards, amphibians and small mammals such as rabbits as well as many terrestrial avian species. In the bay itself can be seen an abundance of avian species, some rare in the Bay such as oystercatchers and Wandering Tattler (usually an ocean coastal bird). Also in the Bay can be seen the marine mammal the harbor seal. The bridge would prevent people walking and viewing along the Slough from seeing the seals that are hauled out on sandbars off the Hunters Point shoreline and the waterbirds swimming in the Bay waters beyond the bridge. This is clearly an unmitigable impact that deprives people from appreciating the aesthetic experience the State Park was created to provide.

The importance of Candlestick Point State Park to the eastern San Francisco human population cannot be overstated. In this part of San Francisco there are no large parks and no large nature area that would allow people in this highly congested area the opportunity to experience nature and have that escape from urban densities that make large urban parks so essential.

The views along Yosemite Slough are some of the best in the park and the view east from the Slough is spectacular as you see the Bay spring out from the Slough and watch the many waterbirds move to and from the Slough to the Bay as the tide moves in and out. This experience will be totally eliminated by the obstruction of that view by the bridge.

Conversely, looking west along the shoreline while standing east of Yosemite Slough and east of the proposed bridge location, i.e., looking towards where Yosemite Slough enters the South Basin, one presently sees at low tide numerous shorebirds on the Slough's extensive mudflats and many waterfowl just outside the slough following the tide. The bridge will also obstruct this view.

I have personally seen Leopard sharks swimming along the shoreline exactly where the bridge will be constructed. That site (where the current HPS Shipyard fence enters the water) seems to be a place that attracts the sharks close to the shore. The bridge will eliminate that view.

And yet the DEIR states, "As the Project would not substantially obstruct any scenic vistas, this impact would be less than significant. No mitigation is required" (page III.E-57), and further states,

"[T]he Yosemite Slough bridge would limit some foreground views of the Slough; however, overall views of the Bay would remain. Short- and mid-range views of the Slough would be somewhat altered with the inclusion of the proposed bridge. However, short- and mid-range views of the remainder of the Slough would remain as under current conditions..."

and,

"[T]he Yosemite Slough bridge would change the open water character along the bridge route across a relatively narrow portion of the Slough. This would not be



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considered a substantial adverse change in the overall visual character of Yosemite Slough, as the bridge would occupy only a small footprint relative to the entire Slough. The remainder of the Slough would remain visible as an open area.” (page III.E-64).

These statements abysmally fail to address the true impacts of this structure and its accompanying access roads.

This approach to a State Park is sobering. It opens the door to the building of structures in all state parks as long as they are locally situated because small impacts are not significant. And yet to someone walking in a State Park to enjoy a nature experience to suddenly come upon a large bridge is neither a small impact nor an insignificant one.

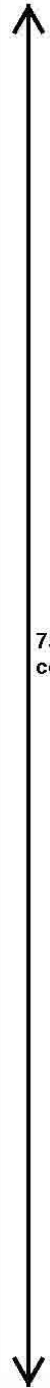
And in all of this, the DEIR ignores the fact that immediately west of the bridge the State Parks Foundation and CalParks propose to restore 34 acres of wetland and upland habitat on both sides of the Slough as well as create bird-nesting islands just west of the proposed bridge’s location. This restoration project will enhance the already wonderful natural surroundings of this area and the building of a bridge will be even more of an aesthetic nightmare for anyone seeking a State Park experience at this location. The DEIR does describe this project but fails to identify any impacts associated with it such as those described here.

The DEIR also ignores the fact that the General Plan of the State Park, developed through a public process that held over 200 public meetings, identifies that northern part of the State Park in which the bridge is proposed to be built as a nature area. So, exactly in the area designated as one for nature appreciation the Project would put a large bridge. The aesthetic conflict is obvious. The bridge can only be seen as a detriment to the aesthetics of a nature area no matter how wonderful a bridge it may be.

It should be remembered that a bridge also requires access roads and that a bridge is built to carry vehicles. We are not just talking about a static structure but also about the noise of the cars, trucks and busses and the visual appearance of the cars, trucks or busses as they move along the access roads and bridge. This can only further detract from the aesthetics of a nature experience for which a state park is created and for which purpose this part of the State Park is specifically identified.

The access roads to the bridge bring their own aesthetic impacts, aside from the bridge, that are ignored by the DEIR. We did not find them mentioned at all in this section of the DEIR. The roads will provide barriers to people seeking to walk along the shoreline and, again, the noise and sight of the vehicles will impact any attempt to have a quiet nature experience.

We also challenge the DEIR’s proposing that the bridge will only be used for BRT and “game-day” traffic. Once built the new residents at both HPS and CP will demand that the bridge be used for general car traffic between HPS and CP regardless of the presence or absence of a stadium.



75-5
cont'd.

Sierra Club comments
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Page 5

To conclude, the bridge will:

- Create non-mitigable significant negative impacts on the aesthetics of Candlestick Point State Park.
- The structure will interrupt views from Yosemite Slough into the Bay and vice-versa.
- It will bring noise from vehicles and the visual presence of the vehicles themselves into a site designated as a nature area.
- It will be built in a part of the State Park designated after many public meetings as a nature area.
- It will be built adjacent to a 34-acre wetland and upland habitat restoration project in the State Park and will detract from the ability of people to enjoy the beauty of that nature restoration project.
- It will require access roads that will interfere with any trails along the shoreline and the roads' traffic will create noise and visual disturbances that are antithetical to the aesthetics of a nature experience, again in a State Park and a part of the State Park designated as a nature area.

It is clear that these are all significant, non-mitigable impacts and as such the DEIR is fatally flawed for failing to identify these impacts and to identify them as unmitigable. The FEIR should correct these flaws and eliminate the bridge from the Project.

Transportation:

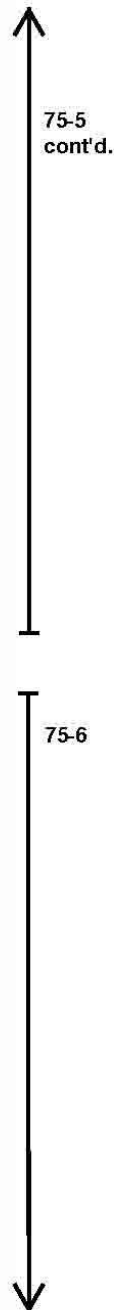
There is, of course, a viable alternative to the bridge. This alternative is clearly identified and analyzed in the Arc Ecology submittal for this DEIR that includes a report from LSA Associates. It is less ably identified, and not always accurately, in the DEIR in Alternative 2. This alternative, as described by LSA, would route the proposed BRT around Yosemite Slough on an existing abandoned railroad right-of-way. This alignment would result in an insignificant increase of travel time for the BRT over the proposed bridge route of approximately just 1 minute 30 seconds. Such a small difference in travel time is insignificant for even short distance trips.

As for game day impacts (which the DEIR states would make the around Yosemite Slough alignment impracticable) the LSA report makes it clear that even with a bridge the large number of vehicles exiting the stadium would overwhelm the Project's street system once over the bridge and so no benefits accrue from the bridge on game day.

The LSA report also indicates many inaccuracies in the DEIR, for example:

Section 6, Page 30

“Under Alternative 2, motorized and non-motorized traffic would be required to circumnavigate Yosemite Slough because no bridge would be constructed.”



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Page 6

This statement misleads the reader by implying that additional automobiles would be added to the street network without the bridge when in fact, automobiles would not be allowed on the bridge. The section should correctly inform readers that neither the Project or Alternative 2 would provide bridge access for automobiles.”

And,

Appendix D, Chapter 6, Page 288

Comment 28: Pursuant to State CEQA Guidelines Section 15151, the EIR should provide a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which takes into account the environmental consequences of the project. While an EIR must contain facts and analysis, not just an agency’s conclusions or opinions (Citizens of Goleta Valley v. Board of Supervisors, 1990), no technical analysis is presented in the Draft EIR justifying the claimed travel time savings. Based on the additional distance around Yosemite Slough (3,205 feet) and average BRT travel speeds (20 to 25 miles per hour), the alternate BRT route should require between 1 minute 27 seconds and 1 minute 49 seconds of additional travel time.

Comment 29: The third paragraph of Alternative 2-No Bridge asserts that the alternative BRT route would increase travel time by 5 minutes and decreases ridership by 15 percent. These statements are not supported by analysis presented anywhere in the Draft EIR and should be removed from the Final EIR.

We are particularly troubled by the assertion that an increase of 5 minutes travel time would result in a 15% decline in BRT ridership. In other documents (analysis of BTIP uncirculated DEIR) prepared for Arc Ecology by LSA and also submitted for this DEIR by Arc Ecology, it was estimated that riders from the Project going either downtown or to the South Bay could expect MUNI trips of at least 30 to 40 minutes or longer duration. A 5-minute increase in travel time is meaningless when considering so long a commute. We question the assumption that 5 minutes would influence a choice of transit when considering such trips.

One of the Goals of Proposition G, passed by the residents of San Francisco in June 2008, was to ensure that the transportation components of the Project would integrate the new development with the existing Bayview Community thus satisfying some of the environmental justice issues of the Project. Because the bridge, and thus the BRT line, avoids the Bayview community it essentially subjects that community to environmental justice impacts denying that community the benefits of the BRT.

The Arc Ecology alternative (and a component of DEIR Alternative 2) that makes use of the dedicated around-Yosemite Slough right-of-way alignment for the BRT mitigates this problem by bringing the BRT into the Bayview community, serving the warehouse area of the Bayview and, in the Arc alternative, providing easier access to the BRT for the Bayview residential community.



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Sierra Club comments
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Considering these significant transportation, aesthetic (see above) and ecological (see below) impacts of the bridge and the exorbitant cost of the bridge, estimated to be well over \$100 million (BTIP uncirculated DEIR), **the FEIR should correct the flaws in the DEIR cited above and eliminate the bridge from the Project and instead choose the around-Yosemite Slough dedicated right of way as the appropriate alignment for the BRT.**

The Sierra Club has developed extensive policies for helping the City achieve its goal of being a transit-first community. To ensure that this project is best able to achieve this goal we provide the following suggestions and hope they are incorporated into the Final/EIR:

- A) Provide good transit to connect to the Metro 'T' line, Sunnyside Caltrain Station and the Balboa BART Station. This can be best accomplished by extensions of existing lines now serving the area.
- B) Improve priorities on the 'T' line, at almost no cost. This is a better use of Muni capacity and funding than the new express service to downtown proposed in the Project (also see (D) and (E) below).
- C) Local transit service within the area should be on transit priority streets (TPS), without a new bridge.
- D) After transit leaves the area it should become a "Limited" service with a similar to the "19". The Limited Line should avoid the worst hills, and run to the north side of SF, but not downtown. Because this is a long route it should be BRT and TPS to the greatest extent possible, to maintain reliability. The regular "19" should continue to provide local service on the hills.
- E) The Limited Service line per (D) should be extended to the southwest to Balboa and provide limited service parallel to existing local service or become the proposed BRT using the around-Yosemite Slough alignment thus avoiding an expensive new bridge.
- F) Retail service in the area should be provided under residential mixed-use buildings with village-sized markets that are easily accessible by foot for new residents in the area.
- G) Project parking should be unbundled and limited to 0.5 spaces per unit and include spaces for shared cars.
- H) All curbside parking should be metered 24/7 to reduce local car ownership and provide parking for other neighborhood shoppers without the need for large parking lots or expensive underground parking.
- I) Each Condo should provide a Muni Fast Pass for each apartment as part of the condo fees.



75-6
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Sierra Club comments
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Page 8

Impact of Yosemite Slough Bridge on Special Aquatic Sites

Impact BI-4c Construction of the Yosemite Slough bridge would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (Less than Significant with Mitigation) [Criterion N.c] DEIR Page III.N-67

This is a significantly incomplete analysis of Clean Water Act §404(b)(1) issues faced by this project. While the bridge construction may be no or little impact to wetlands there will certainly be impacts to mudflats. Mudflats, like wetlands, are identified under the §404(b)(1) Guidelines as Special Aquatic Sites. Under the §404(b)(1) Guidelines no permit should be issued for a project that would impact Special Aquatic Sites unless there is no practicable upland alternative site available for the project purpose, and for Special Aquatic Sites there is a presumption that such a practicable, upland site is available for the project purpose (this is called "avoidance"). This presumption must thus exist for the bridge component of the Project since the bridge will impact mudflats, a Special Aquatic Site. And, in fact, a practicable upland alternative does exist for the bridge component of the Project and has been proposed by Arc Ecology and is reflected, in part, in Alternative 2 of the DEIR. **The FEIR should rewrite this section and identify mudflats as Special Aquatic Sites. It should reject the bridge since it violates the avoidance rule of the Guidelines and is therefore unlikely to receive a permit. Since there is a practicable upland alternative to the this component of the Project, the US Army Corps and the US EPA should deny any permit for the bridge. BCDC should also deny the bridge since it is bay fill that is not the minimum possible since there is a feasible upland alternative available.**

75-7

Impacts of the bridge on Wildlife

The DEIR fails to adequately identify the impacts the proposed bridge would have on wildlife, especially waterbirds. The bridge will be on the direct route of shorebirds and waterfowl on their diurnal migration between the bay (South Basin) and the mudflats of Yosemite Slough as the tides move in and out.

Although the DEIR does state,

The bridge's low, flat profile would allow birds to easily fly over the bridge between the upper part of the slough and South Basin, but the bottom of the bridge deck is high enough to allow swimming birds such as ducks to swim under the bridge when tidal conditions would currently permit such movements. (Pg, IIIN-.95

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Sierra Club comments
CP-HPS PHII DEIR

Page 9

It is quite likely that on very foggy days bird strikes may occur on the bridge as the birds perform this daily or twice daily movement from bay to the Slough. Birds will be flying quite low as they fly such a short distance.

Double Rock Island is the possible site of nesting oystercatchers. The bridge will be built within feet of the eastern end of Double rock island and thus may pose a significant threat to fledgling oyster catchers as they begin to fly and are not yet fully in control of their flight.

The CalParks' Yosemite Slough Wetland Restoration Project will create two waterbird nesting islands. The proximity of the bridge to these islands may also result in bird strikes and mortality especially since this is an area that gets fog that can mask the bridge. This is of particular significance since one of the species that is projected to use these nesting islands is the listed Western snowy plover. This alone should make this a significant impact.

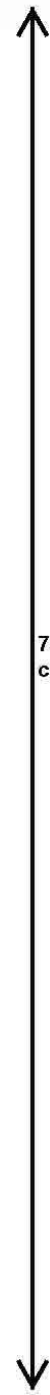
The FEIR should identify the bridge as posing a significant impact to waterbird movements (diurnal migration) and to nesting waterbirds. This is an unmitigable impact.

The DEIR also fails to adequately identify the impact of the access roads to the bridge on the State Park's terrestrial wildlife species. In our Audubon Wildlife Survey reptiles were particularly abundant in the areas surrounding the road alignments (all three snake species and fence lizard) as well as the slender salamander. These species are very susceptible to destruction by automobile and the access roads will bisect these species' habitats. Thus the roads will result in significant increased mortality to these species as well as to small mammals that are common in this area. **The FEIR should recognize this as a significant unmitigable impact.**

Impacts to Wildlife of the Project

Impact BI-2 Implementation of the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any common species or habitats through substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Less than Significant) [Criterion N.d]...Consequently, any impacts of the Project on common species and habitats would have a negligible effect on regional population and would thus be less than significant. No mitigation is required. Page III.N-50

The DEIR's discussion of impacts of the Project to wildlife staggers the imagination, especially as regards impacts to Candlestick Point State Recreation Area. Nowhere does the discussion of impacts recognize that a State Park's function is to preserve the biodiversity and natural beauty of the State. Whether rare or common, any wildlife species is a component of the State's biodiversity. Any diminution of wildlife resources in a State Park is a significant impact because it directly impacts the State Park's ability



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CP-HPS PHII DEIR

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to perform its Mission of preserving the State's biodiversity and providing nature experiences.

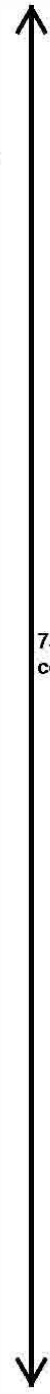
We also disagree with the City's criterion for significance on this subject (N.d). While possibly regionally common, the wildlife species in the State Park and HPS (and there are over 148 of them – no small number) are rare in San Francisco and their loss would deprive that community of the ability to experience wildlife. As has become well known, nature experiences can play a crucial role in the development of children and in helping urban adult populations maintain their health (Richard Louv, *Last Child in the Woods*, Algonquin Books of Chapel Hill, 2005). Furthermore, if all sites that provide habitat for common species were dismissed as insignificant such common species would soon join the rank of rare or endangered. And, again, the fact that this site is a State Park should certainly make such impacts reach a level of significance.

Also, the statement cited above, "*any impacts of the Project on common species and habitats would have a negligible effect on regional population and would thus be less than significant. No mitigation is required. Page III.N-50*" implies that all wildlife species could be eliminated from the site and yet have no significant ecological impact. This is not credible. Many of these species are prey species for migratory and/or predatory birds. Thus the disappearance of these local species may have far reaching impacts. **The Final EIR should identify Project impacts to wildlife species in the State Park and HPS as significant.**

The DEIR also states, that,

Bird species diversity (a measure of the number of species in a given area) increases with increasing foliage height diversity (a measure of the number and diversity of vertical layers of vegetation in that area).^{672,673} While this has been best studied in breeding birds, the structural complexity of habitat also influences the degree to which an area provides resources to migrant birds. Multi-layered vegetation, with well-developed ground, understory, and canopy layers, would support greater diversity of migrants than the structurally simple vegetation that dominates most of Candlestick Point and HPS Phase II. Also, breeding bird abundance is often closely associated with the density or volume of vegetation, with increasingly dense vegetation supporting more individual birds. The sparse vegetation present on most of the Project site limits the value of the site to breeding and migratory birds. Page III.N-13).

This is a generic statement of bird habitat needs. It ignores the fact that specific habitats provide specific functions. The grasslands of California are relatively not diverse in vegetation but still provide immense habitat values for ground-burrowing animals, raptors and many other bird species. The State Park's 5.13 acres of grassland, proposed for destruction by the Project, provide a healthy habitat for reptiles, amphibians, and many grassland bird species such as Meadowlarks. There is sufficient shrubbery in this area so that it sustains species such as goldfinches, white-crowned and golden-crowned sparrows (all categorized as migratory birds) and other grassland related species. I attest



75-7
cont'd.

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Sierra Club comments
CP-HPS PHII DEIR

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to this from my experience as the leader of the Golden Gate Audubon CPSRA wildlife survey in 2003-2004. Recent studies indicate that grassland birds are the most threatened in the United States due to the loss of that habitat type and indeed, in the Bay Area this is a rapidly disappearing habitat.

The FEIR should correct this statement and instead identify the grasslands of the State Park as providing valuable habitat for a variety of grassland species both terrestrial and avian.

Furthermore, the DEIR is deficient in its failure to identify the cumulative impacts of this project on wildlife in San Francisco. This Project site and particularly CPSRA, is the only large open space/Park on the eastern San Francisco shoreline and the only site that provides a diversity and abundance of these wildlife species. Loss of habitat at this location can have a cumulative impact on the abundance and diversity of wildlife species in San Francisco especially the eastern shoreline. **The FEIR should identify this as a significant negative cumulative impact.**

Failure to mitigate for impacts to raptors and loss of grasslands

The DEIR does recognize one impact to wildlife:

Impact BI-22 Implementation of the Project would not have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, by the CDFG, USFWS, or NMFS. (Less than Significant with Mitigation) [Criterion N.a] DEIR page 112.

Impacts to foraging raptors would be beneficial due to the removal of invasive plants and improvement of existing parkland through the restoration and management of native-dominated grassland. Only 5.13 acres of the lands impacted on Candlestick Point provide non-native grassland habitat that serves as foraging habitat for raptors. In addition, the Project would mitigate impacts to 43 acres of non-native grassland that provides raptor foraging habitat on HPS Phase II by restoring an equivalent amount of higher-quality native-dominated grassland specifically managed for grassland-associated species (see mitigation measure MM BI-7b). These areas would provide high-quality foraging habitat, and a net increase in the quality of raptor foraging habitat would result.

The DEIR is flawed, however, in this analysis. Invasive plants do not necessarily impact raptor foraging. Our native raptors have survived quite well on the non-native grasslands that predominate in our state. We do not suggest that non-native grasslands are preferable to native grasses, obviously not, but they can and do sustain many of our wildlife species.

The mitigation proposed in the DEIR for impacts to raptors is to create new and improved grasslands on Hunters Point. We do not believe this is a viable mitigation for the following reasons.

The Navy has proposed a “cover” remediation remedy to the contaminant problem at HPS (other than those remedies required for specific “hot spots” and “plumes”) on all



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cont'd.

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HPS parcels other than Parcel E. A Proposed Action has not yet been released for Parcel E for which however, the DEIR states that capping is a likely solution (a solution with which we disagree).

Raptor prey are predominantly ground squirrels and other burrowing small mammals. To propose that grasslands on top of a "cover" will provide raptor habitat is false since the burrowing animals such as ground squirrels, a primary raptor prey, would penetrate the cover and bring up the contaminants the "cover" is designed to keep from exposure to the air.

As we have seen from the Bayview community, community residents are appropriately concerned when threatened by the release of asbestos dust into the air. Such a release could result on HPS if the "cover" is burrowed into and the underneath ground-up serpentinite rock (which is the primary contaminant at HPS) is brought to the surface. With the intense winds that occur at HPS it is probable that this serpentinite dust would be blown into the adjacent new HPS development community, which will essentially surround the "mitigation" grasslands and also reach the proposed housing at Candlestick Point.

We believe that this new Project community will insist that burrowing animals be controlled. This occurs in many parks in the Bay Area which often see ground squirrels as a nuisance pest rather than an integral component of our native ecology. Thus, any grassland mitigation developed on HPS land will not adequately provide raptor prey since ground-burrowing animals will be controlled and thus will be absent from the grasslands. Thus this mitigation will be unsuccessful.

Additionally, we would argue that in such an urban setting, with immense non-native seed banks surrounding the site, the restoration of grasslands entirely to native grasses is unlikely to be entirely, or even largely, successful. Such restoration (or creation) efforts require intensive removal of exotics and yearly control of non-native grasses usually by controlled burns or through the use of herbicides, neither of which is likely to be possible in San Francisco.

This is not to suggest that we are opposed to native grass restoration, simply that one must recognize that complete success is most unlikely. The reintroduction of native grasses to any extent is a very positive improvement. However, it should not be assumed that such a native grassland creation effort will be successful enough to provide significantly increased value to wildlife species (as opposed to native plant species that will benefit greatly to the extent the effort is successful). Thus MM BI-7b will not fulfill its intention of creating new HPS grasslands that will provide native grassland habitat far superior to existing grasslands.

From the above, we conclude that Mitigation Measure MM BI-7b will fail to mitigate for the impacts to raptors. **The FEIR should remove MM BI-7b. The Project should be redesigned so as to greatly reduce its impacts to raptors by altering the configuration of the project so as to take no State Park lands (thus abandoning the**



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cont'd.

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Sierra Club comments
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State Park Agreement) and preserving the 5.13 acres of grasslands at the State Park. In addition, the approximately 15 acres of unpaved parking lot in the State Park should be restored to grassland habitat. The remaining 20 to 25 acres of grassland lost at HPS could be mitigated by funding the restoration or creation of grasslands at sites along the eastern shoreline such as Pier 94, Heron's Head Park, Warm Spring Cove, Islais Creek, etc. or by increasing the size of the State Park and creating new grasslands on that increased acreage.

Impacts to Wildlife Movement

The DEIR states,

Impact BI-25 Implementation of the Project would not interfere substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery site. (Less than Significant with Mitigation) [Criterion N.d]

The DEIR also states on pages III.N-36, 37,

Wildlife movement activities usually fall into one of three movement categories: (1) dispersal (i.e., juvenile animals from natal areas, or individuals extending range distributions); (2) seasonal migration; and (3) local movements related to home range activities (foraging for food or water, defending territories, searching for mates, breeding areas, or cover). A number of terms have been used in various wildlife movement studies, such as wildlife corridor, travel route, habitat linkage, and wildlife crossing, to refer to areas in which wildlife move from one area to another...

There is localized movement, as ground-dwelling animals forage for food, mate, and move between habitat patches within the Project site,

and,

Impact BI-2 Implementation of the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any common species or habitats through substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Less than Significant) [Criterion N.d].

We disagree with the DEIR conclusion for Impacts B1-2, BI-25 and, as stated above Criterion N.d.



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cont'd.

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Sierra Club comments
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The construction of the Yosemite Slough Bridge and the access roads to the bridge will certainly constrain the movement of terrestrial creatures between the northern and southern parts of the State Park (and Project as a whole) as well as those habitats east and west of the bridge and access roads. We found snakes, lizards and salamanders (and rabbits and ground squirrels) at all these locations. There will certainly be movement between these areas by these wildlife populations. Construction activities may destroy some of these creatures and post-construction the roads and their accompanying vehicles will provide a significant barrier to terrestrial wildlife movement as well as to terrestrial migratory birds or at least result in the death of many of these creatures as they attempt to cross the road or as they fly into the cars and busses using the road (it is well known that cars are responsible for the death of a large number of migratory birds).

While the DEIR does state that,

Although the bridge and the road crossing it would impede movement of terrestrial species from one side of the bridge to the other, sufficient terrestrial space would be present above the high tide line at the abutments to allow terrestrial wildlife to pass under the bridge. Consequently, Project activities within HPS Phase II and Yosemite Slough would not substantially interfere with the movement of any native resident or migratory terrestrial species. Page III.N-95,

A projected sea-level rise of anywhere from 3 to 6 feet would significantly reduce the room for wildlife movement at the bridge abutments. Even at current bay levels, it is well known that a site where wildlife movement is constrained or narrowed can become a predator's delight and could subject wildlife in that area to increased predation.

Therefore the FEIR should identify the access roads to the bridge as elements of the Project that will interfere with wildlife movement and identify this as a significant impact that is not mitigable.

Impacts to CPSRA

The Project will remove 23.5 acres of land from the State park. We believe this is a significant negative impact that the DEIR fails to identify. In fact, we believe that the State Park should be expanded not contracted (see above, Failure to mitigate for impacts to raptors and loss of grasslands).

The DEIR fails to address adequately the likely impact on the State Park's wildlife species of the approximately 30,000 new residents who will be living adjacent to the State Park. The DEIR does this by concluding (see above) that no impacts to wildlife in the State Park can be considered significant, even complete annihilation. As stated above we disagree with this conclusion. The loss of 5.13 acres of State Park grassland is significant. The increase of human use of the State Park because of 30,000 new adjacent residents will have significant negative impacts to wildlife. The only way to mitigate for



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cont'd.

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Sierra Club comments
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this, since the grassland mitigation on HPS is not a viable mitigation, is to increase the habitat acreage at CPSRA. This can be achieved by preserving the existing State Park grasslands and restoring and increasing other grassland habitats as recommended above.

Harbor seals:

The DEIR states:

Harbor seals are year-round residents found throughout the Bay. They use haulouts scattered through the Bay to bask, rest, and use as pupping sites. The most frequently used pupping sites are in the North (Castro Rocks) and South bays (Mowry Slough); both sites are over 15 miles from the Study Area. Pupping season begins in late March and peaks in early May. The closest haulout site is on Yerba Buena Island, about 6 miles from the Project site. There are no known haulout locations within the Study Area. During the 2003–2004 Yosemite Slough Watershed Wildlife Survey, LSA observed nine harbor seals in the outer South Basin (open water between Candlestick Point and HPS Phase II); however, no haulouts were detected during the survey. No harbor seals or haulouts were observed during surveys by PBS&J biologists for this Project. (Page III.N-15).

We disagree. I have personally observed harbor seals hauled out and loafing on mud or sandflats at low tide in the South Basin near the HPS shoreline several times, not just the time during our Audubon wildlife survey. During those observations, the seals were clearly lying on the substrate and were above the water not swimming in the water and thus were “hauled out”.

The FEIR should identify as a bridge construction impact the potential disturbance of an occasional harbor seal haul out area.

Thank you for your consideration of our comments. Due to the unreasonably short time period allowed for comments on such an immense document and because the document was released over Thanksgiving, Christmas and New Years shortening an already insufficient time period, we did not have the time to adequately respond to many significant issues treated by the DEIR. One example is the DEIR’s failure to adequately address the impact of the Project’s failure to fully comply with the City’s Proposition P, a measure that required as complete a remediation of the Project site as possible (a cap on Parcel E is a clear violation of that Measure).

A further extension of the comment period would still be greatly appreciated.

Sincerely yours,

Arthur Feinstein
Vice-Chair
Sierra Club, San Francisco Bay Chapter Executive Committee



75-7
cont'd.

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Sierra Club comments
CP-HPS PHII DEIR

Page 16

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■ Letter 75: Sierra Club (1/12/10)

Response to Comment 75-1

This comment contains introductory, closing, or general background information and also reflects the commenter's opinions. No response is required. However, each of the commenter's general issues regarding biological and aesthetic impacts to the CPSRA, a transportation alternative to construction of the Yosemite Slough bridge, and the provision of long-term job opportunities for the Bayview community are specifically responded to in Response to Comment 64-1.

Response to Comment 75-2

This comment contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 75-3

Refer to Response to Comment 64-1 regarding employment opportunities associated with the Project.

Response to Comment 75-4

Arc Ecology has not asserted that its suggested alternatives avoid the unmitigated (significant unavoidable) impacts of the Project. It is not clear how these alternatives would do so. Refer to Response to Comment 84-23 regarding the Arc Ecology's proposed alternatives. Refer to Response to Comment 84-5 regarding maritime port use as an alternative.

Refer to Response to Comment 48-3 regarding the selection and analysis of alternatives.

Response to Comment 75-5

Refer to Responses to Comments 31-14, 47-34, 47-36, 47-46, 47-58, 47-73, and 47-75 regarding aesthetic impacts relative to the slough, bridge, and CPSRA.

It would be difficult to have an "undisturbed nature experience" in an urban area, as development to the north, south, and west of the Project site are currently being developed and are visible from the Yosemite Slough and CPSRA. The bridge would not be responsible for "forever destroying the ability of people to have that undisturbed nature experience," as commenter asserts. The bridge is but one component of the Project. Page III.P-32 of the Draft EIR describes how the portions of the CPSRA identified for conversion (i.e. near the bridge) are degraded, unimproved, or not maintained, and do not currently provide recreational opportunities. Refer to Response to Comment 47-4 regarding the interrelationship between the Yosemite Slough Restoration Project and the bridge.

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a comprehensive discussion of the less-than-significant impacts on the birds, waterfowl, and other wildlife that frequent the slough. The commenter states that the bridge would prevent people walking and viewing along the slough from seeing the seals that are hauled out on sandbars off the Hunters Point shoreline, leopard sharks, and the waterbirds swimming in the Bay waters beyond the bridge. This could be true for those

walking in the immediate vicinity of the bridge; however, views of the Bay would remain from numerous other vantage points in the slough, and the bridge itself would provide pedestrian paths that would provide an excellent additional viewpoint from which to watch seals and other wildlife in the slough and the Bay.

Noise from the BRT vehicles would be intermittent, and would diminish rapidly with distance from the bridge. Cars would only access the bridge at specific times on game days only, which would limit the impacts of noise from these vehicles on recreational users of the slough and CPSRA.

Refer to Response to Comment 17-1 regarding the bridge; the Project would prohibit automobile use of the bridge except on game days.

Response to Comment 75-6

The comment is identical to Response to Comment 64-3. Refer to Response to Comment 64-3 for discussion of the Yosemite Slough bridge.

Response to Comment 75-7

A number of the components of this comment refer to potential impacts of the Yosemite Slough bridge on biological resources, including sensitive species and habitats. For responses to these comments, refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) which provides a discussion of the Project's potential effects on the biological resources of Yosemite Slough and on the proposed Yosemite Slough Restoration Project. For example, that master response discusses reasons why the western snowy plover, suggested by this commenter as potentially nesting on islands to be created as part of the restoration project, would not nest on those islands.

The commenter suggests that the USACE, USEPA, and BCDC should deny any permit for the bridge. Permitting issues are outside the scope of this CEQA analysis, and the project applicant has already engaged all three agencies in discussions regarding permitting this project. The applicant will continue to work with these agencies to address regulatory issues.

The commenter suggests that birds moving between South Basin and Yosemite Slough may strike the bridge on very foggy days. While the possibility of some such collisions cannot be ruled out, shorebirds in the Bay Area regularly navigate numerous hazards under foggy conditions, and there is no evidence that substantial impacts of this kind will occur.

Refer to Response to Comment 47-89 for a discussion of potential impacts to bird use of Double Rock.

Many of the comments in this letter overlap (generally verbatim) those in the comment letter from San Francisco Tomorrow. Such comments include those regarding consideration of mud flats as Special Aquatic Sites, potential impacts of the project on wildlife movement, wildlife using the CPSRA, the "region" used as the context for determining whether project impacts affect regional populations, the importance of grasslands and the Draft EIR's assessment of impacts to grassland species, the Draft EIR's assessment of cumulative impacts to habitats and species in San Francisco, the potential value and feasibility of proposed grassland restoration, the potential for control of burrowing mammals to be required on HPS, alternative locations for mitigating impacts to grassland off-site, impacts to CPSRA, and impacts to wildlife from an increase in human visitors to the site. Refer to Response to Comment 64-4 for a response to such comments.

The commenter suggests that sea level rise of 3-6 feet would reduce room for wildlife movement under the bridge at the bridge abutments, and that predation of such wildlife may be high in these areas even with existing water levels. The commenter is correct that sea level rise may reduce the area for wildlife movement under the bridge, and predation may be somewhat higher near the bridge if wildlife movement is confined to narrow areas near the abutments. However, it is not expected that wildlife movement past the bridge will be completely eliminated by sea level rise, and there is no evidence to suggest that predation rates on either side of the bridge would increase so sharply as to have substantial effects on the occasional movement by wildlife that is expected to occur in this area. Furthermore, movement of wildlife around the upper end of Yosemite Slough will be constrained by existing industrial land uses that will not change as a result of either the CP/HPS project or the Yosemite Slough Restoration Project. In particular, sea level rise would constrict or eliminate already very narrow avenues for wildlife movement in areas where the proposed restoration site abuts industrial development at the upper end of the slough. As a result, the Project's contribution to constraints on wildlife movement around Yosemite Slough will not be substantial.

The commenter has observed harbor seals hauled out and loafing in South Basin near the HPS shoreline "several times" and suggests that the EIR should identify bridge construction impacts to "an occasional harbor seal haul out area." Harbor seals are capable of hauling out virtually anywhere surrounding the Bay (and in coastal areas) providing mud flats, sand flats, marshes, rocks, or other hard substrates close to the water, and individuals will use such locations opportunistically as they forage throughout the Bay. However, such opportunistic haul-out locations are obviously not limiting Bay-area seal populations due to the abundance of such locations. Rather, haul-out locations that are used repeatedly by numbers of seals are particularly worthy of protection given the importance that the seals place on those traditionally used areas. The Yosemite Slough Watershed Wildlife Survey did not detect any haul-outs in South Basin during its year-long study, nor have any regular haul-outs been reported from anywhere in the project area by other sources. Therefore, the project will not disturb a traditional haul-out used by large numbers of seals. Although seals that occasionally use South Basin or other areas along the shoreline may be disturbed by project-related construction to the point that they avoid areas close to construction, these individuals will be able to find ample haul-out locations elsewhere in the Bay, and such disturbance will have no long-term or population-level effects on harbor seals. Also refer to Impact BI-9b in the Draft EIR, which states on page III.N-81:

It is possible that any of the sensitive fish species listed in the Setting section could be found within aquatic habitats of HPS Phase II during certain times of year. Those include green sturgeon, Chinook salmon, steelhead, and longfin smelt. Marine mammals such as the harbor seal and California sea lion could also be present. Pacific herring and a number of other non-special-status fish could also occur in these waters. The high noise levels generated by pile driving have the potential to disturb, injure, or kill these species.

Also, mitigation MM BI-9b on page III.N-82 in the Draft EIR would reduce impacts from such noise levels. The text in MM BI-9b has been revised as indicated in Response to Comment 37-1.

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■ Letter 76: Whittle, Lola (1/12/10)

1 of 2

Letter 76

LOLA M. WHITTLE
2929 Griffith Street
San Francisco, California 94124
Tel: (415) 467-5572
Email: never_late1@comcast.net

January 12, 2010

VIA FACSIMILE: (415) 749-2524

Bill Wycko
Environmental Review Officer
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Robert Smith
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San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 224
San Francisco, CA 94102

San Francisco Redevelopment Agency
One South Van Ness Avenue, 5th Floor
San Francisco, California 94103

Re: DEIR – Yosemite Slough Bridge

Dear Gentilepersons,

I am writing this letter as a formal comment to the Draft Environmental Impact Report for the Hunters Point Shipyard Phase II. I am a third generation Bayview Hunters Point resident, and we have lived here our entire lives.

↓
76-1

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January 12, 2010
Re: DEIR – Yosemite Slough Bridge
Page Two

For the most part I am excited about this project and was very supportive of Proposition G. I have attended countless meetings on this project so I was thrilled when I learned the DEIR was released as it is a significant step in the development process.

↑
76-1
cont'd.

As a resident and homeowner on Candlestick Point and Mariners Village, I support a bridge being built over Yosemite Slough, but I want the City and County of San Francisco to know that the bridge should be open to all residents of the community, and many others share my sentiment.

The proposed bridge should be built large enough so that it is of use to the entire community. Those that drive cars, ride bikes, or take public transportation. I am particularly concerned that our seniors (my mother, aunts, uncles, etc.) will not have access in and out of the community in which they have lived 50 – 80 years. I am unaware of any bridge in San Francisco that prohibits cars so why, once again, should the so-called environmental community, who does not reside in my community, dictate to the City and County of San Francisco what type of vehicles will have access to a bridge being proposed in Bayview Hunters Point.

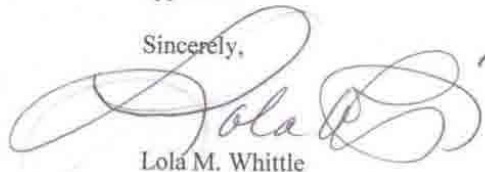
76-2

You propose to build 7500 homes on Candlestick Point, and I do not want those residents using my street to get to work on the Shipyard or downtown when there is a bridge available for them to use. This project should do all it can to minimize negative impacts to the existing community. **Do we matter?** Not allowing people to drive on that bridge will cause negative impact to me, my neighbors and my community.

This letter comes at this late notice because I have been out of town for the past month. However, I have spoken to many people that live in the community, and a petition is circulating on behalf of the Bayview Community stakeholders/residents.

I live here, and I want it on the record that the bridge makes sense only if it's available for the entire Bayview Hunters Point community. I reiterate that there is no other bridge that I am aware of in the City and County of San Francisco with this restriction. I am appalled!

Sincerely,



Lola M. Whittle

■ Letter 76: Whittle, Lola (1/12/10)

Response to Comment 76-1

This comment contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 76-2

The commenter's support for the Yosemite Slough bridge and preference that the bridge be made available for vehicular use year round is noted. Refer to Response to Comment 33-4, which describes that the Board of Supervisors will legislatively require that the bridge be closed to autos except on football game days by designating the bridge as a public right-of-way for transit only, except as specified. The Infrastructure Plan, which the Board will approve, will require a bridge design that controls access. Only the Board, after completion of any required additional environmental review could change the designation, but no such other designation is contemplated by the Project.

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■ Letter 77: City and County of San Francisco, Historic Preservation Commission (1/12/10)

1 of 2



SAN FRANCISCO PLANNING DEPARTMENT

Letter 77

*****DRAFT*****

January 12, 2010

Mr. Bill Wycko
Environmental Review Officer
San Francisco Planning Department
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Dear Mr. Wycko,

On December 16, 2009, the Historic Preservation Commission (HPC) held a public hearing and took public comment on the Draft Environmental Impact Report (DEIR) for the proposed Project at Candlestick Point/Hunters Point Shipyard Phase II. The HPC continued the item to January 6, 2010. After discussion, the HPC arrived at the comments below:

- HPC does not agree with the logic of the Historic Resource Evaluation Report. Given the national significance of the Hunters Point Shipyard site both during WWII and afterward, there are very few resources identified and associated with the site history.

The conclusions drawn from the HRER are inconsistent with the Context Statement. In the Context Statement the significance of the architecture is not fully analyzed in terms of the history of modern architecture and the acceptance by the government of modern architecture as an appropriate style. The architects are not identified, some of the buildings are insufficiently examined, and the boundary of the Potential Historic District is much too narrowly drawn. There is also no examination of whether these types of buildings are now as common nationally as they once might have been at the time they were built.

The Context Statement considered the area a significant historic district. However, the document does not evaluate buildings *not* considered historic. Further adding that the zone of the potential historic district could actually be much larger.

- Given the significance of the site, there should be a preservation alternative that also meets the project objectives. Alternative 4 is not sufficient because it has goals which do not focus on preservation. There should be an alternative where preservation is the primary goal and other goals are secondary. However, this preservation alternative should seriously try to achieve the square footage goals achieved by the others. If all of the larger buildings truly cannot be reused, attempts might be made to save at least a few of the larger ones and more of the smaller ones over a wider area.
 - HPC prefers to see an alternative that would retain more historic resources without consideration of so many variables that have little/nothing to do with preservation.

www.sfplanning.org

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- HPC prefers to see an alternative that would achieve the project objectives on a more global or larger view point/perspective.
- Retaining, celebrating and promoting the history of the site should be among the project objectives. In addition, the story of the site should be integrated throughout the project site as interpretation and public art. Incorporation of the site's history is important for San Francisco history, would significantly enrich the proposed new development, and would be an important marketing tool.
- The DEIR states that the Candlestick Park Stadium (proposed for demolition) is not historically significant and yet it has not been evaluated under the California Register of Historic Places (CRHR). It was found not eligible for the National Register. The CRHR is called out in CEQA as the measure for evaluation. This is a significant flaw in the document. Evaluation of the eligibility should be made not only per the National Register, but also per the California Register.
- The Hazardous Waste section of the DEIR assumes demolition of all buildings, making it difficult to evaluate hazardous materials issues in the event of preservation.
- The Feasibility Study should identify other ways to meet the project objectives. More thought could be put into uses for existing buildings. This could add value to the project site by keeping the existing character and adding to the market value.
- More diagrams should be provided to show what individual buildings are kept and removed for the various alternatives. The existing graphics as they relate to Cultural Resources are not very clear.

The HPC appreciates the opportunity to participate in review of this environmental document.

Sincerely,

Charles Chase, President
Historic Preservation Commission

**SAN FRANCISCO
PLANNING DEPARTMENT**

2

■ Letter 77: City and County of San Francisco, Historic Preservation Commission (1/12/10)

All of the comments provided in this letter are substantially similar to the comments provided in Letter 39; however, where this letter was submitted as a “draft” letter by the Historic Preservation Commission, Letter 39 represents their “final” letter. Full responses are provided in Letter 39.

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Letter 78: City and County of San Francisco, Human Rights Commission (1/12/10)

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Letter 78

City and County of San Francisco



Gavin Newsom
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
San Francisco Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Theresa Sparks
Executive Director

January 12, 2010

Bill Wycko, Environmental Review Officer
Planning Department
City & County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Mr. Wycko:

We have received complaints regarding the draft Environmental Impact Report ("EIR") of the planned development of the Candlestick Point-Hunters Point area by the Lennar Corporation. The core of these complaints centers around alleged lack of notification and involvement of local Native American community members, most specifically, Most Likely Descendants ("MLDs") of the Ohlone people, the indigenous people of the San Francisco Bay Area.

The Commission held a public hearing on discrimination facing Native American people in San Francisco in 2007. I have enclosed a copy of the report for your review. The Commission received testimony about the negative impact on Native American communities of development projects in San Francisco in the past and how the local indigenous people, the Ohlone, were rarely consulted on the projects. Notification has occurred after the expiration of the comment period.


Finding A.6 of our report states that Ohlone people have worked in the past to assist governmental entities in appropriately dealing with ancestral remains. Recommendations B1-4 state that burial sites should never be disturbed and that Ohlone people should be an integral aspect of any planning and development in San Francisco.

According to Chapter VII of the Executive Summary of the EIR, none of the report preparers or persons consulted were Ohlone MLDs or representatives from the Native American community. Furthermore, we are concerned that the Planning Department did not take sufficient steps to ensure Ohlone participation and relied upon the California Native American Heritage Commission to notify MLDs when local contacts are readily available; indeed, Planning Commission staff have worked closely with Anne-Marie Sayers in the past.

The Commission can coordinate discussions between the Planning Department and local MLDs to ensure the cultural integrity of the site being developed and, to assist in the likely event that ancestral remains are found. We urge the Planning Department to reject the draft EIR until an amended version, which includes Ohlone input, is drafted. We are prepared to assist so this project can move forward appropriately addressing indigenous concerns and their integration into all amendments to the general plan of the San Francisco City and County pursuant to SB 18. Please contact Holy Old Man Bull, our staff liaison to the Native American community at (415) 252-2519.

Thank you for your help in this regard. We look forward to working with the Planning Department to resolve this concern.

Sincerely,


Theresa Sparks
Executive Director

Enclosure



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www.sfgov.org/sfhumanrights



78-1

DISCRIMINATION BY OMISSION

78-2

*Issues of Concern for
Native Americans in San Francisco*

A REPORT OF THE SAN FRANCISCO HUMAN RIGHTS COMMISSION

August 23, 2007



SF Human Rights Commission - 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102-6033 - (415) 252-2500
www.sfgov.org/sfhumanrights



DISCRIMINATION BY OMISSION: ISSUES OF CONCERN FOR NATIVE AMERICANS IN
SAN FRANCISCO

“...I will speak to a major form of discrimination that affects Native Americans in the urban areas, particularly in San Francisco. This discrimination is a very subtle form of discrimination – it is discrimination by omission, or we can call it “exclusion from the process,” or it can be called a ‘lack of voice,’ and ‘invisibility.’

...Being invisible, and denying us a voice creates a space where American Indians - who are already suffering from historical and intergenerational trauma, grief, violence, racism - truly become hopeless. When we believe, or internalize the message, that our government officials send us indicating that we don't count, we're not important, then drugs, alcohol, homelessness, lack of self-esteem, lack of confidence and [lack of] self-worth are the result.”

- Michele Maas
Bad River Band of Lake Superior Chippewa Indians
Born and raised in San Francisco

78-2
cont'd.



**DISCRIMINATION BY OMISSION: ISSUES OF CONCERN FOR NATIVE AMERICANS IN
SAN FRANCISCO**

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**DISCRIMINATION BY OMISSION: ISSUES OF CONCERN FOR NATIVE AMERICANS IN
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PREFACE

The San Francisco Human Rights Commission (“Commission”) is the department of the City and County of San Francisco that enforces its nondiscrimination laws. In addition, the Commission investigates issues of concern as they pertain to protected categories and the impact of discrimination. Often, these investigations take the form of a public hearing in order to inform the Commissioners and the public about important issues facing affected communities. On October 12, 2006, the San Francisco Human Rights Commission held a public hearing to identify and investigate concerns facing Native American people in San Francisco. The public hearing and this report resulted from requests for the Commission to investigate issues of discrimination that specifically affect Native American people.

In order to be as inclusive as possible, this report employs the term *Native American* to describe people with indigenous North, Central, and South American heritage as well as Native Hawaiians, Samoans, and the indigenous people of Guam (whether enrolled, federally or nationally recognized, or not). Some people refer to their heritage as “American Indian” and others use “First Nation” to describe their indigenous roots. Some people prefer the term “Native American” and other individuals prefer to use their tribal affiliation to describe their heritage. Some people use the phrase “Alaska Native” as their descriptor, while others refer to themselves as “California Indians” or the “First Families.” The Commission recognizes and respects that some people may feel alienated by *Native American* being used as the defining label, some people may disagree with the definition, or some people may object to the use of any labels to describe their identities and/or experiences. However, for the purpose of this report, the Commission determined that this was the most widely understood and accepted definition.

ACKNOWLEDGEMENTS

The Commission is very grateful to the many people required to produce the public hearing and to publish the report. In all, more than 130 people contributed to this process, including staff, interns, students, faculty, and community members. The Commission is particularly grateful to the Ohlone people for welcoming us to their land by allowing the Commission to convene the meeting in Ohlone territory, and to members of the Native American community for their generous donation of time, resources, and information that made the hearing and report a successful reflection of their concerns.

The Commission especially acknowledges and appreciates the contribution made by staff member natoyiniinastumiik (Holy Old Man Bull, Blackfeet - Pikuni) toward making the public hearing and report successful. He is the principal editor and author of this report.



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CHAPTER 1

EXECUTIVE AND PROCESS SUMMARIES AND INFORMATIONAL ESSAYS

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EXECUTIVE SUMMARY

Native American communities have been systematically excluded in conversations about racism. Native American people also feel left out of processes – that they are only seen as an afterthought, or that they are completely ignored and invisible – and that they lack a voice, even within communities of color in San Francisco. Still others complain that the government systems - local, state, and federal - are out of touch with the realities of modern Native American life and culture, and that these systems do not serve the Native American communities well. The culture that creates invisibility and exclusion for Native Americans has many contributing components including being misclassified as *White*, *Latino* or *Other*; government-imposed blood quantum standards that became incorporated into tribal policies; a lack of federal recognition as a tribe or as a member of a tribe; erroneous notions about tribal extinctions and the complete genocide of all Native Americans; cultural appropriation of Native American symbols, ceremonies, likenesses, and culture; offensive images of mascots and stereotypes that perpetuate a mistaken idea of what a “Native American” looks like; relocation from tribal homelands in other states; and intra-tribal and inter-tribal tensions.

Examples of discrimination by invisibility and omission are abundant: complete lack of federal recognition for the indigenous people of San Francisco, the Bay Area, and many other places in California; lack of complete demographic data collected by the City government and other jurisdictions about Native American people; disenrollment among tribes that are federally recognized or are seeking such recognition; exclusion from City demographic statistics, such as birth and death records, and health statistics; ongoing recommended budget cuts for federally funded Native American Urban Health Centers; proliferation of offensive mascots, stereotypical images, artwork, and statues; lack of appointments to City Boards, Committees, and Commissions; misinformation being taught in public and private schools that California tribes are extinct; not being invited to participate in and inform conversations about racism, etc.

Recommended solutions are as numerous as the examples of omission and exclusion, including: designating some San Francisco-owned land as accessible to the Ohlone people for their use; creating a Native American Studies program at San Francisco Community College; re-naming streets and boulevards to honor the indigenous people of the Bay Area; removing culturally inappropriate or offensive artwork, statues, and/or monuments; appointing more Native American people to City Boards and Commissions; funding more Native American health and wellness programs; addressing issues of homelessness through City resources; and creating a greater public awareness of the historical and modern contributions of Native American people to the culture of San Francisco and the Bay Area.

PROCESS SUMMARY

Since 1995, the San Francisco Human Rights Commission has been working with Native American people to identify important issues and to assess the Commission’s ability to respond to concerns about civil rights violations in San Francisco. In 2005, HRC staff and key Native American community members made several detailed educational presentations to the



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Commission's Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC), and to the Issues Committee, and to the Commissioners, defining the issues and requesting approval for a public hearing. Subsequently, the LGBTAC created the Native American Task Force (NATF) in March 2006 to plan for the hearing. The Commission granted approval in June 2006 for the hearing to be held on October 12, 2006.

The NATF worked diligently to ensure comprehensive information from as many different sources as would respond to the call for participation. To this end, two separate community focus groups were held in order to survey Native American community members about community concerns. That body of information helped determine the structure under which the hearing was constructed into four areas of focus: Health and Wellness, Education, Cultural Issues, and Government. Then, NATF members and Commission staff and interns invited Native American people, parents, students, service providers, academicians, legal experts, and government officials to testify at the hearing and/or to submit written testimony.

The hearing was conducted on October 12, 2006 in the San Francisco City Hall Board of Supervisors Legislative Chamber. The Commissioners were Chair Khaldoun Baghdadi, Vice-Chair Cecilia Chung, and fellow Commissioners Carlota del Portillo, Mark Dunlop, Yoel Kahn, Faye Woo Lee, Nazly Mohajer, Pat Norman (Muskogee/Creek), Elloise Patton, Linda Richardson, and Sandra Sohcot.

The Commission staff person assigned to staff the Native American Task Force was natoyiniinastumiik (Holy Old Man Bull, Blackfeet - Pikuni), who is the editor and principal author of this report. Commission Intern Erin McGonigle conducted legal research and analysis and contributed to the informational essays. Michele Maas (Chippewa) also provided additional information for these essays. Anne-Marie Sayers (Mutsun Ohlone) and Chuck Striplen (Amah Mutsun Ohlone) wrote the essay on behalf of the Ohlone people.

Other participating Commission staff included Executive Director Virginia M. Harmon, as well as Larry Brinkin, Cynthia Goldstein, Kabir Hypolite, Yong Lee, Hadas Rivera-Weiss, David Treanor, Dominic Viterbo, Tamra Winchester, Emil DeGuzman, Sophia Simpliciano, Carmen Smith, Carla Vaughn, and Janel Wong. Commission Interns Anna Litvak, Jane Edmonstone, and Daniel Perea also participated in the public hearing, and/or in drafting the report.

LGBTAC members who worked on the Native American Task Force, the hearing, and/or the report include Jane Aceituno, Whitney Bagby, Dora Balcazar, David Cameron, Billy Curtis, Aidan Dunn, Calvin Gipson, Christopher Gomora (Anishnabe), Ted Guggenheim, Roberto Ordeñana, Ren Phoenix, Aleem Raja, Martin Rawlings-Fein, Jason Riggs, Stephen Schwichow, and Morningstar Vancil (Delaware/Lenape/Mohican). Issues Committee members included Michael Berke, Leticia Upton-Brown, Sarah Ching-Ting Wan, Alice Fialkin, John H. Freeman, Bill J. Johnson, Guillermo Mayer, Azalia M. Merrell, Reginald Smith, and Terry Valen.

Faculty and students from the law school at New College in San Francisco volunteered at the hearing by drafting many of the findings and recommendations: Belinda Sifford, Marissa Abadir, Arielle Anderson, Maria Bourn, Jim Cramer, Mike Francis, Jose Gutierrez, Karma, Candace Myers, Gabby Reynoso, Tairon, and Bryndis Tobin.

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Many other people participated on the Native American Task Force, at the hearing, and/or on the report (alphabetical listing): Janeen Antoine (Sicangu Oyate), Marcus Atkinson, Joan Benoit (Chippewa of the Thames, First Nation), Corinna Bolt (Ohlone), Rick Bowman, Larry Bringing Good (Cheyenne/Arapaho), Andrea Bruss, Gayle Burns (Muskogee/Creek), Randy Burns (Northern Paiute), Eddie Dang (Tsalagi/Hawaiian), Don Little Cloud Davenport (Florida Seminole - Bird Clan/Muskogee Creek/Chickasaw/Sudanense - Dinka Tribe), Francisco De Costa, Nancy Delancy, Mark Espinoza (Eastern Cherokee), Eugene Flannery, I. Frank, Sandra George (Washoe/Paiute), Jewell Gomez, Tony Gonzalez (KumKa' Ak - Seri Nation), Kenneth Harper (Cherokee), Eugene Hightower, Espanola Jackson (Ohlone), Andrew Jolivet (Atakapa/Opelousa), Frank Kellum (Choctaw/Chickasaw/African American), Michelle Lee, Michele Maas (Chippewa), Sydney Madsen, Max Martin (Ojibwe), Perry Matlock, Lucia Mele, Tomasita Medál, Anita Mendez (Washoe), Alexandra Monk (Metis), Santos Nic-Manzanilla (Maya), Jenn Oberly (Osage), Diana Oswald, Anna Perez, Sally Ramon (Tohono O'odham), Tomas Reyes (Yaqui), Kay Riley, Mary Jean Robertson (Cherokee), Alberto Saldamando, Anne-Marie Sayers (Mutsun Ohlone), Morrigan Shaw (Tlingit/Haida), Fred Short, Kim Shuck (Tsalagi), Bill Simmons, Myra Smith (Muskogee), Atta Stevenson (Cahto), Mona Stonefish (Mohawk/Potawatomi), Chuck Striplen (Amah Mutsun Ohlone), Anthony Sul (Ohlone), Lori Taguma (Lac Courte Oreilles), Miko Thomas (Chickasaw/Choctaw), Valerie Tolia, Roberto Aria Vargas (Aztec/Chicano), Diane Williams (Athabaskan), Rope Wolf (Apache/Maya), and Wounded Knee (Miwok).

Lydia Zinn provided court-reporting services in order to create a verbatim transcription of the Hearing. It was also recorded by SFGTV, San Francisco government access programming, and will be rebroadcast on San Francisco Cable Channels 26 and 78 through November 2007. DVDs of the hearing can be obtained by contacting SFGTV at (415) 554-4188 or www.sfgtv.org. (SFGTV staff will make a copy available for the general public through the SF Public Library, Main Branch. These archive recordings will be maintained by the Library.)

After the October 12, 2006 public hearing, HRC staff and interns, as well as Committee and community members of the NATF worked on compiling the report materials, drafting the report, and vetting its contents. The report was unanimously recommended by the LGBTAC on March 20, 2007 to be forwarded to the Commission for its approval.

This report is a summary and compilation of materials, testimony, and information submitted by Native American people – young people, elders, parents, students, service providers, academics, legal experts, advocacy experts, representatives of City agencies and departments, and the public. The report is built upon the words and ideas of those who testified at the public hearing, submitted written materials, and offered commentary on the content of the report and the findings and recommendations. Every attempt has been made to accurately reflect the information submitted. The Findings and Recommendations are based upon the information received from submissions, testimony, and research compiled within this report.

The Commission recognizes that among the recommendations contained in this report are those that urge other government agencies to take action. The Commission remains available to assist these agencies in their efforts to fully understand and implement the Commission's recommendations.

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INFORMATIONAL ESSAYS

The History of Blood Quantum Requirements for Federal Recognition

Historically, colonial governments enacted blood quantum laws to codify a civil rights hierarchy.¹ In 1705, the colony of Virginia created laws that denied rights for any “negro, mulatto, or Indian,” and that “the child of an Indian...shall be deemed, accounted, held, and taken to be a mulatto.”² North Carolina’s codes prohibited marriages between a white person and “an Indian, Negro, Mustee, or Mulatto...or any person of mixed blood to the third generation.”³

Under these blood quantum laws, it was significantly more advantageous to have greater degrees of European ancestry than Native American because civil rights and liberties were granted to people of European ancestry and not to those of indigenous (or African) heritage – in fact, rights were denied proportionate to the degree of non-European blood. Because this insidious legal mechanism tracked non-European degrees of blood through offspring, it disenfranchised an entire generation of non-European people. Yet, it encouraged future generations to relinquish or deny their indigenous ancestry in order to have civil rights enjoyed by others. So, people of mixed ancestry would be afforded privileges granted to people of European ancestry only by eliminating all traces of their Native American blood. Accordingly, blood quantum laws would eventually eliminate indigenous populations through a system of assimilation and intermarriage.

To the contrary, in Native American cultures, inter-tribal mixing usually did not diminish tribal recognition; it simply meant that the offspring belonged to either the mother’s or the father’s tribe. It is a Native American value to be inclusive, and many indigenous cultures maintain processes for accepting or adopting outsiders. Over a period of time, non-tribal members could become accepted members of the tribe. Many tribes, such as the Cherokee, had rituals that allowed a living person to take the place of a deceased person. Sometimes members of neighboring or enemy tribes, or European settlers, were captured to replace deceased tribal members. Eventually that person would be given the same status and obligations of the person they had replaced, and their ethnicity was of little concern.⁴

In 1887, Congress enacted the Dawes General Allotment Act (“Dawes Act”)⁵, enforced by the Dawes General Allotment Commission. The use of “full” or “half” degree of blood to identify eligible enrollees was simply an extension of the preceding colonial system. The motive behind the law was based on a theory that Native Americans would become more quickly assimilated into European culture if they owned land and were encouraged to agricultural pursuits, which were considered more civilized than traditional hunting, fishing, and gathering.⁶

¹Forbes, J.D., *Blood Quantum: A Relic of Racism and Termination*, Indian Times 10 (11) Winter 2001, at 9.

²3 Hen. 258 (1705)

³Revised Statutes of North Carolina, lxxi. 5, vol. i. 386 sq. (1723)

⁴Berry, Christina, *Blood Quantum – Why It Matters, and Why It Shouldn’t*, All Things Cherokee, November 27, 2006, <www.allthingscherokee.com/atc_sub_gene_feat_040101.html>.

⁵24 Stat. 388, 25 U.S.C. 331, et seq.

⁶Nash, Douglas R., *Indian Lands*, University of Idaho School of Law, <<http://library.findlaw.com/1999/Jan/1/241490.html>>.

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Under the Dawes Act, the system of “degree of blood” acquired a momentum that still impacts Native Americans by influencing a large segment of Native American land law and policy. Specifically, it provided that land parcels were to be held in trust; the legal title was held by the United States and the “allottee” was given beneficial title (the right to live on, to use, and to occupy that parcel). As long as the title to land was held in trust by the United States, it was not subject to state or local taxation or regulation.⁷ More than 250,000 people applied to be listed in the Dawes Rolls, yet the Dawes Commission enrolled little more than 100,000 people. An act of Congress in 1906 closed the rolls on March 5, 1907. In 1914, an additional 312 persons were enrolled by Congressional Act.⁸ In some cases non-Natives signed up under the Dawes Act and were included in the Dawes Rolls. In other cases, Natives of mixed ancestry, due to fear of prejudice and discrimination, indicated they had less Native American blood.⁹

The Burke Act of 1906 authorized allotments to be taken out of trust if the allottee was deemed “competent.”¹⁰ (Competency entitled a Native American person to greater privileges, such as the removal of “wardship” restrictions, the right to sell property, the chance to acquire the right to vote, etc.). Not surprisingly, people with more European ancestry were assumed to be more competent than persons with lesser amounts. Paradoxically, to the detriment of the tribe, it was expected that anyone who became “competent” would no longer be an “Indian.” One unspoken purpose of the Dawes Act was to break up the communal land ownership of the tribe. Each head of household of a tribe (band) received 160 acres, and individuals received 80 acres.

This idea spawned the “forced fee patent” process, under which the federal government took the allotment out of trust for people certified as competent - sometimes without their knowledge - thereby rendering those lands subject to taxes. Because the “competent” person was not informed about this process, or perhaps because they did know but were unable to pay the land taxes, these “competent” individuals were forced to sell their land at tax sales to cover the unpaid taxes.

Although the allotment policy was later shown to be ineffective, and was partially reversed by the Indian Reorganization Act (IRA) of 1934, the IRA continued to use those same standards that earlier had denied Indians enrollment and reacquisition of land.¹¹ Prohibiting any additional allotments of reservation land, the IRA allowed only enrolled tribal members to reacquire surplus land.¹² For Native American tribes who struggled to reacquire land, these provisions are extremely significant. First, original allotment assignments were extended to tribes based on a racist classification system. Historical analysis of blood quantum laws shows that many people of full indigenous ancestry were not counted because they were either of “mixed blood” or they were married to or descendants of non-Federally recognized Native American tribes. Secondly, discriminatory racial identifications threatened Indians with intergenerational isolation, cultural deprivation, and suffering. Many Indians hid their cultural and genealogical histories from government agencies or did not enroll for fear of retaliation. The rules and procedures of the IRA do not take either of these realities into account.

⁷ 25 U.S.C. §§ 331-334, 339, 341, 342, 348, 349, 354 and 381.

⁸ Act of August 1, 1914, ch. 222, 38 Stat. 582.

⁹ Forbes, J.D., *Blood Quantum: A Relic of Racism and Termination*, Indian Times 10 (11) Winter 2001, at 9.

¹⁰ Burke Act, 34 Stat. 182, 25 U.S.C. § 349.

¹¹ Rules for amending the procedures, Vol. 64 No. 69, Federal Register 17574, April 12, 1999.

¹² The Indian Reorganization Act, June 18, 1934 Section 7, 48 Stat. 984.

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Currently, a Certificate of Degree of Indian Blood (CDIB) is issued by the Bureau of Indian Affairs after an applicant supplies a completed genealogy with supporting legal documents such as birth certificates showing their descent, through one or both birth parents, from an enrolled tribal member or from a person listed in a base roll, such as the Dawes Roll. However, when a person's degree of Indian blood derives from a non-enrolled tribe, from a terminated tribe, from an administratively deleted state recognized tribe, from a newly recognized tribe, or through adoptive parents, they do not qualify for a CDIB.

Through the CDIB, the federal blood quantum laws continue to structure Indian eligibility for federal funding. Affecting education, in 1985, the US Congress enacted the Quarter Blood Amendment Act that determines which Native American students are eligible for Native American education programs and tuition-free attendance at Bureau of Indian Affairs (BIA) schools or contracted schools. This eligibility can only be verified by obtaining a CDIB. In addition, without federal recognition, a Native American tribe cannot receive benefits of other Federal Programs such as health care, housing, economic development, or powers of self-governance.¹³

Despite the historically unfair effects of the blood quantum policies on federal tribal recognition, the uncritical continuation of this practice risks overlooking its historical limitations and exclusions. Blood enrollment does not account for how people of Native American ancestry might construct their own Native American identities; by exempting adopted children, it discredits the cultural, psychological, and emotional significance of non-Native American people who have been raised within Native American communities; it does not account for the dispossession of land under treaties that were never fulfilled or ratified; over generations, it discourages having children with non-Native Americans because children of mixed ancestry risk loss of federal and tribal blood quantum requirements; and it may continue to play a role in excluding non-enrolled Native American people from being recognized as Native Americans – by the government, another tribe, or their own tribe.

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The History of Tribal Sovereignty

In the United States, the federal government recognizes Native American tribes as independent and sovereign powers. Sovereignty is the right of a nation or group of people to be self-governing. As of 1924, Native Americans were allowed to be United States citizens, in addition to being members of their own nations. As US citizens, Native Americans are subject to federal law, but they are not always subject to state law because Native American reservations are held in trust by the federal government.

For more than two hundred years, within the framework of sovereignty, Native American rights and powers have been constructed, defined and shaped by treaties and judicial and congressional action. After the American Revolution, the United States government regarded Native American tribes as being sovereign nations. So, claims by the United States to control the same land that

¹³ Indian Self Determination and Education Assistance Act, 25 U.S.C. sec. 450-458; Tribally Controlled Community College Assistance Act, *ibid.* pgs. 1801-1852; Indian Health Care Improvement Act, *ibid.* pgs.1601; Indian Child Welfare Act. *Ibid.* pgs. 1901-1963.



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the Native Americans occupied and utilized raised legal questions. Although the U.S. Constitution recognizes tribal political sovereignty, the actual status of Native American tribal sovereignty and self-determination has been less clear.

In 1823, in Johnson v. McIntosh¹⁴, the Supreme Court ruled that tribal sovereignty was limited to the extent that the tribes could not give or sell their land to anyone other than the federal government. Native Americans had the right to occupy their land, but their right to dispose of their land to a given person or entity was limited. These rights were diminished because of the colonial principle that the “discoverers” of the New World had exclusive title to the land and its resources (the “Doctrine of Discovery”).

In the early nineteenth century, as waves of white settlers moved west, Native Americans found it increasingly difficult to maintain their status as independent nations because the United States government did little to protect their rights. In 1832, Chief Justice John Marshall (Worcester v. Georgia¹⁵) maintained that Native American tribes had been treated as sovereign nations since the arrival of the Europeans, but that the various treaties under which a tribe became “the protection of the United States” had terminated their status as independent nations.

In 1831, Cherokee people sued the State of Georgia to challenge that state’s takeover of Native American lands (Cherokee Nation v. Georgia¹⁶). The Supreme Court ruled that, although the Cherokee Nation was a state (a distinct political society with territorial boundaries where their authority is exclusive), it was also a “domestic dependent nation.” In other words, the Court found that the relationship of the Cherokee Nation to the United States was one that resembled a ward to a guardian. These findings provided paradoxical benefit to the tribes. The statehood status allowed for stronger tribal sovereignty. Yet, the domestic dependency model created a paternal relationship between tribes and the federal government, which subsequently created limitations on actual tribal sovereignty and powers of self-determination.

Those who wanted to remove Indians from the eastern lands ignored the Supreme Court finding. Consequently, beginning in 1838, the so-called “Five Civilized Tribes” (Cherokee, Choctaw, Chickasaw, Creek, and Seminole) were driven off their traditional lands and forced to walk from Georgia to Oklahoma by the US Army. Most of the Native Americans who traveled the infamous “trail where we cried” died from hunger and disease on this forced journey.

At this point, the Supreme Court limited Native American tribal sovereignty in two ways: restricting how Native Americans could sell or give their land, and with what foreign nations they could enter into relationships. These two limitations on tribal sovereignty are still at the root of the ongoing federal governmental role in tribal affairs.¹⁷

¹⁴ 21 U.S. (8 Wheat.) 543 (1823)

¹⁵ 31 U.S. (6 Pet.) 515 (1832)

¹⁶ 30 U.S. 1 (1831)

¹⁷ Canby, William C. *American Indian Law in a Nutshell*, 4th ed. (St. Paul, Minn.: West Group, 2004).

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Tribal sovereignty is established and maintained through a federal program of acknowledged recognition that creates a government-to-government relationship between the recognized tribe and the US government. (A tribe is a group of Native Americans that is acknowledged as being a distinct and historically continuous political entity for at least some governmental purposes.) Although federal recognition is an encompassing form, it is a very imprecise and inconsistent process. On one hand, the federal government compiles completely different groups into one tribe. On the other hand, other groups have legal treaty rights but are not recognized by the federal government. And while the Department of Interior is empowered to enter into treaties with groups, a treaty can confer recognition without judicial review.

In 1978, the federal government adopted new criteria of tribal status acknowledgment for non-recognized tribes. The Bureau of Indian Affairs (BIA) has requirements for official recognition of a tribe. Some criteria are simple, such as providing a copy of a group's current constitution. Other standards are more difficult to satisfy. For example, proving authenticity requires a tribe to demonstrate that it "has existed as a community from historical times until the present."¹⁸ Most tribes have not kept written records for that long.

Also, some critics have pointed out arbitrariness in the BIA standards. For example, it is unclear how long of a gap in the tribal record is allowable before it is seen as a break in the tribal historical continuity. It also is not clear what percentage of a tribe's current membership must "descend from a historical Indian tribe." The BIA states that 100 percent isn't necessary, yet it does not offer clarification, such as "most" or "some." During President Clinton's administration, though the BIA had thought it had established that 48 percent wasn't enough, the Assistant Secretary of the Interior, who oversees the BIA, ruled in one case that it was sufficient.¹⁹

As long as criteria for official federal tribal recognition are unclear and arbitrary, many Native Americans will continue to suffer the lack of acknowledgement of their innate rights as the original people of this land. In addition, they will remain invisible, even to other tribes, and will live without having input into the process that determines either the future survival, or potential cultural extinction, of their people.

Policies of Tribal Termination and Native American Relocation

By the twentieth century, the precise legal status of Native Americans was uncertain. In 1924, all Native Americans were given US citizenship under the Indian Citizenship Act (also called the Snyder Act). Under this law, Native Americans received a form of dual US citizenship along with their own tribal membership. In 1934, Congress passed the Indian Reorganization Act (IRA). This Act was meant to reverse the federal government's fifty-year-old assimilation policy that forced many Native Americans to attend boarding school where they were instructed to give up their languages, cultures, and identities and to replace their own tribal traditions with

¹⁸25 CFR Part 83 §83.7(b)

¹⁹ Nelson, Michael, *The Quest to be Called a Tribe*, Legal Affairs, September/October 2003.

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European culture. The IRA encouraged tribes to form tribal governments and to conduct their own internal affairs. These new tribal governments drafted constitutions and provided tribes with political bodies that could assert tribal sovereign rights.

However, in the 1950s critiques of Native American self-determination led to an ill-conceived federal effort to dismantle the reservation system and free the US government from the expense of protecting Native Americans and their property. The federal government declared that reservation services and Native American benefits should be ended at the earliest possible time. The goals were to encourage the movement of Indians from rural reservations to urban areas through job training programs and housing assistance. Reformers saw the trust relationship between the federal government and tribes as a manipulative obstacle to personal and economic freedom rather than something that protected Native Americans. Reformers did not talk about "civilizing" Native Americans, but spoke instead of "freeing" and "emancipating" them from federal control. Termination policy was equated with the Emancipation Proclamation, which freed slaves during the Civil War.

Beginning in August 1953, the Bureau of Indian Affairs (BIA) initiated the "Termination and Relocation" phase of the IRA. "Termination" as an official federal policy was implemented from 1954 to 1966. Applied to Indian Affairs, "termination" technically refers to the termination of the special relationship of the federal government as trustee over Native American matters. Under termination, tribal governments would no longer exist as sovereign entities, and tribes would no longer be able to govern their internal affairs. However, by withdrawing federal trust responsibility, civil rights for Native Americans, and control of tribal lands, became vulnerable.

Between 1953 and 1968, the trustee relationship of the federal government with over one hundred tribes was terminated, leaving hundreds of thousands of Native Americans no longer qualified for government assistance. Native Americans lost over 1.3 million acres of land by the end of the Termination movement.²⁰

Termination meant that Native American tribes would lose any standing they had under federal law: the tax exempt status of their lands would be discontinued; federal responsibility for their economic and social well being would be ended; and the tribes themselves would be effectively dismantled. Tribal property would be divided among individual members who would then be assimilated into the society at large. Termination had several disastrous results for Native Americans: loss of the Indian land base; termination of government services such as education, housing assistance, and health services; the disappearance of tribal governmental structures; and the loss of homeland contributing to the loss of Native American and tribal identity.

In the early 1960s, Congress halted the process of terminating tribes. One reason why termination failed was because tribes no longer received sufficient federal funds to finance basic services. Money the government gave to Indian tribes was not a form of welfare. Instead, it was similar to the federal funds given to local and state governments to build roads, schools, and

²⁰ Philp, Kenneth R., *Termination Revisited: American Indians on the Trail to Self Determination, 1933-1953*, (1999) University of Nebraska Press.

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electric and water utility plants. Tribes facing termination did not have the necessary tax base to support these services and the funding received from state and federal governments was too low. Additionally, unless Congress explicitly declared otherwise, Native Americans usually retained hunting and fishing rights on their former land. This led to increased conflicts with non-Native Americans who came into possession of the land.

In 1970, President Nixon set the tone for more recent federal policy in a public statement:

Termination implies that the Federal government has taken on a trusteeship responsibility for Indian communities as an act of generosity toward a disadvantaged people and that it can therefore discontinue this responsibility on a unilateral basis. But the unique status of Indian tribes does not rest on any premise such as this. The special relationship between Indians and the Federal government is the result instead of solemn obligations which have been entered into by the United States Government. Down through the years, through written treaties and through formal and informal agreements, our government has made specific commitments to the Indian people. The special relationship between the Indian tribes and the Federal government which arises from these agreements continues to carry immense moral and legal force.²¹

Nixon declared termination a failure and asked Congress to repudiate the policy and to return a policy of trust relationships between Native American tribes and the federal government. He also called for legislation that maximized tribal autonomy in the management of Native American affairs. Congress responded by subsidizing economic development on the reservations. However, those tribes that had already been terminated could only petition Congress in order to regain federal recognition. The practice of federal termination of existing tribes has ceased, but due to its lingering effects, many tribes and bands maintain a precarious existence. Nearing collapse, tribes were forced to distribute land and property among the members and to dissolve the tribal government.

Termination also brought costs to the various states in which specific tribes were terminated. Tribal governments lost federal funds with termination, resulting in a severe impact on many state welfare and/or social service agencies' ability to provide services. In 1953, Public Law 83-280²² (PL280) was passed by Congress without any discussion with California tribes. This law conferred jurisdiction regarding criminal and certain civil tribal matters to the state. In return, the state became responsible for the welfare of the reservations. California is one of only four states to adopt PL280. As a result of this law, federal services were terminated and county hospitals which accepted federal funding for health care began denying treatment to Native American people. For example, the Kumeyaay in San Diego were regularly denied health and old age care as well as access to state-run programs such as Aid to Families with Dependent Children.²³

²¹ Richard Nixon, Special Message to the Congress on Indian Affairs, July 8th 1970.

²² 18 U.S.C. §1162; 1360

²³ Pico, Anthony R., *The Kumeyaay Millennium - Part 2: betrayal and broken promises in California; now the promise of gaming*, San Diego Metropolitan, February 2000.

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As a result of the IRA, Native American ‘relocation’ centers were formed in cities across the country. (The Bay Area is one of the largest relocation centers in the US. According to 2000 Census estimates, approximately 12,500 Native American people live in the City and County of San Francisco.) Loss of land, loss of tribal identity and social structure, and loss of tribal traditions led many relocated Native Americans to experience poverty, hunger, alcoholism, substance abuse, discrimination, and violence in the large cities they now occupied. With so many tribes occupying such a relatively small area, inter-tribal and intra-tribal tensions are one consequence of relocation. Additionally, many California tribes became overwhelmed by a flood of relocated people, losing their own sense of tribal identity as the original local authorities. This perpetuates the myth that California tribes are extinct, a myth even held by non-California tribes.

The Two-Spirits

In western terms, *Two-Spirit* has been thought to describe lesbian, gay, bisexual, and transgender Native Americans. That definition is an over-simplified interpretation of nuanced, non-bipolar Native American perspectives of what it means to be male and/or female. Gender is not seen as a black-and-white dichotomy, but rather as a spiritual spectrum of possibilities of masculinity and/or femininity. Gender was about behavior and identity – it was not about biological predetermination based upon anatomy that rigidly dictated expected and inflexible gender expression and sexual orientation. In most tribes, Two-Spirit was considered to be a third gender.

Historically, most North American tribes allowed flexibility in gender role expression. Based upon a fairly universal paradigm that spirit was the motivating force behind a person’s life choices, it was inconceivable to have immutable expectations of human nature. So, many tribes had specific names for people who transcended their anticipated gender role in order to live as their spirit guided them. In Dine (Navajo) that word is *nadleh*, in Lakota (Sioux) it is *winkte*, and in Blackfoot/Siksika (Bloods) it is *aawowaakii*.

Until the invasion of colonial settlers and the consequential negative impact of their Christian beliefs on Native American culture, Two-Spirits were often venerated in their tribes, and many had important roles in community life. Two-Spirits were responsible for delivering and naming babies in some tribes, and were diplomats and business negotiators in others. They were healers, history keepers, and protectors of the elders, women, and children from danger when the war and hunting parties left camp for extended forays.

Until recently, *Berdache* was used to describe Two-Spirits.²⁴ Based upon the concept that a man having relations with other men was inferior or emasculated, the Spanish Jesuits condescendingly referred to male Two-Spirits as *berdachas* (kept boys). Similarly, other western attempts to categorize human behavior and identity, such as *transgender*, *transsexual*, *cross dresser*, *homosexual* or *bisexual*, cannot capture the essence of a person’s sense of sex, gender, sexual orientation, and/or gender identity in the all-encompassing and completely inclusive way that *Two-Spirit* does.

²⁴ R. Conner, D. Sparks and M. Sparks, *Cassell’s Encyclopedia of Queer Myth, Symbol and Spirit: Gay, Lesbian, Bisexual and Transgender Lore* (1997) at 328.

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Tragically, Two-Spirits lost their place of honor when the invading waves of Spanish, French, Dutch, and English refused to trade goods, conduct business, or negotiate treaties with people they viewed to be immoral homosexuals, and so insisted in dealing with non-Two-Spirits, the “real leaders.” Indeed, it was the homophobic reaction of the Spanish to their initial contact with the Two-Spirit emissaries that led, in part, to their ethical justification for the complete annihilation of people they deemed to be “morally inferior.” While many tribes still maintain an unspoken acceptance of cross-gender behavior that remains completely consistent with their traditional values, others have adopted a westernized condemnation of gender-role transgression, even to the point of denying the historical existence, much less cultural veneration, of Two-Spirits.

Today, there is a renaissance of determined Two-Spirit activists who are working to remind Native Americans of the traditional contributions of Two-Spirits. Societies have been created to provide positive images and education to other Two-Spirits, in rural and urban areas, who lack positive role models or the ability to access information and support networks about Two-Spirits. Many Two-Spirit Societies host yearly gatherings in their home states to bring together Two-Spirit activists, from all over the US and Canada, to share art, culture, and tradition and to mentor organizing and activism skills.

In San Francisco, Bay Area American Indian Two-Spirits (BAAIT-S) hosts monthly potlucks to bring Two-Spirits together to share food, art, culture, and fellowship. BAAIT-S members also attend local, traditional community Pow Wows, providing outreach to Two-Spirits, and acting as bridges with the greater Native American community. (See *Appendix D – Resources* for contact information for BAAIT-S)

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CHAPTER 2

FINDINGS AND RECOMMENDATIONS

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FINDINGS AND RECOMMENDATIONS

The Human Rights Commission, having conducted a public hearing on October 12, 2006 on the issues and concerns facing Native American people in San Francisco, including the social, legal, and historical aspects of Native American issues and concerns, and having considered verbal and written testimony, hereby finds and recommends that:

A. FINDINGS: THE OHLONE – THE FIRST PEOPLE OF SAN FRANCISCO

1. The City and County of San Francisco (The City) is the homeland of the original people of the area, the Ohlone. Ohlone territory extends from the City to Big Sur and from the Pacific Ocean to the eastern side of the Mt. Diablo Range. Within this area there are eight different Ohlone languages, and many Ohlone people who are involved with their culture, community, and native languages.
2. Local tribes have suffered a high degree of decimation. There are seven different Catholic Missions located within Ohlone territory. Due to its involvement in the near-destruction of most coastal California tribes, the Mission system in California contributed to preventing the majority of California tribes from obtaining federal recognition. In addition, treaties that were negotiated by the federal government were never ratified by Congress, keeping many California tribes in the courts fighting for recognition.
3. In 1854, in a federal program called the "California Indian Genocide Policy," the federal government spent in excess of \$1.4 million, at five-dollars-per-head, fifty-cents-per-scalp, to eradicate California tribes. The federal government paid for professional killers, including lodging, bullets and guns, and all expenses necessary to remove the native people, because the government was not able to push the tribes any further west.
4. Because of this policy of genocide, to admit to being Native American was suicidal. This is one reason why five to seven generations of Native Americans are unaware of, or deny, their ancestry.
5. The Muwekma Ohlone tribe was removed from federal recognition in 1927. Due to that removal, the City is not compelled to abide by federal laws that would protect the Ohlone shell mounds [burial sites]. Shell mounds are very sacred to Native American people, and there are shell mounds throughout the hills of San Francisco.
6. The Ohlone people have worked with local, State, and federal government officials and other entities to assess construction sites for shell mounds and other tribal artifacts, and to provide counsel on how to proceed with construction projects in a culturally sensitive and appropriate manner.
7. The federal government will not hold lands in trust for Native American tribes that are not recognized by the federal Bureau of Acknowledged Recognition (BAR) of the Bureau of Indian Affairs (BIA). For that reason, the federal government claims the Ohlone are not allowed land trusts. However, there are more than 300 non-recognized tribes who do hold land in trust with the federal government.

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8. The Ohlone traditionally performed ceremonies at the ocean where they lived. Because the Ohlone no longer have culturally appropriate access to the sea, out of necessity these ceremonies now are performed in the mountains.
9. The City, through its Department of Parks and Recreation, worked successfully with the indigenous people within the Ohlone territory on the Crissy Field project, helping to restore ancestral pride.
10. The San Francisco History Museum in the Old Mint and the San Francisco Historical Society are working on recording the histories, narratives, and perspectives of the Ohlone community.
11. California Native American basketry, carving, and other elements of material culture are heralded as some of the finest in the world. Including images of this art work on public property would elevate the visibility of the Ohlone people and enhance their public image.
12. Community leaders and organizers rarely invite or include Ohlone people, and members of other California tribes, in the planning of Native American events in San Francisco. When organizers do invite Native American people to offer invocation and/or song, Ohlone people, and members of other California tribes, are rarely invited to officiate at such ceremonies. When organizers convene Native American community focus groups, they rarely consult with or invite the participation of Ohlone people, and members of other California tribes.

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B. RECOMMENDATIONS: THE OHLONE – THE FIRST PEOPLE OF SAN FRANCISCO

The Commission recommends that:

1. The City preserve Ohlone shell mounds (burial sites).
2. The City protect shell mounds in compliance with federal regulations.
3. The City never disturb Native American burial sites.
4. The City work with local Ohlone community representatives to identify known shell mound sites in the City.
5. The San Francisco Board of Supervisors pass legislation requiring that building permits be issued only after consulting with the appropriate Ohlone representatives who verify that there are no burial sites at the construction site. No new construction should be allowed on any San Francisco site where burial sites have been found. Methods to implement this recommendation could include the preparation of a survey identifying the location of burial sites in the City.



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6. The City identify, in consultation with Ohlone leaders, appropriate City-owned land to be designated for the Ohlone people to use for tribal purposes.
7. The San Francisco Board of Supervisors adopt a resolution supporting federal recognition of the Ohlone people.
8. The City incorporate Ohlone cultural motifs (basket designs, animal motifs, etc.) into City-sponsored construction projects and on City property.

C. FINDINGS: HEALTH AND WELLNESS

1. Compared with non-Native American communities, Native Americans are disproportionately affected by stress-related illness, such as high blood pressure and depression.
2. The national average life expectancy of Native American males (45 years-of-age) is much lower than the national average of non-Native American males (per 2004 statistics – 77.9 years-of-age).
3. Although Native American people represent 1.5% of the national population (the most recent population figures come from the 2000 US Census), Native Americans constitute nearly 8% of homeless people. This is particularly ironic and noteworthy in a culture as devoted to community as that of Native Americans. This high rate of recurring homelessness most often applies to individuals who are afflicted with mental illness. Native American people in transitional housing need culturally competent support services, case managers, and mental health service providers who can assist them in the skills needed to regain and maintain balance and wellness.
4. Per capita, Native Americans are the victims of violent crime more than any other ethnicity. According to a US Department of Justice report (1999)²⁵ Native Americans are violent crime victims at double the rate of the general population. The majority of Native American women in California are victims of repeated violence by non-Native American men. Per capita, Native American women are more likely than non-Native American women to be victims of repeated violence. Unlike most ethnic groups, which experience violence perpetrated by its own members, Native American people are most often victimized by non-Native American people.
5. Elders are very important members of Native American communities and existing resources do not fully address their needs.
6. Uninsured urban Native Americans often return to rural areas that are not equipped to provide them with adequate health care.

²⁵ "American Indians and Crime" NCJ 173386, February 1999, U.S. Department of Justice, Bureau of Justice Statistics.

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7. Urban health care clinics receive very little funding and continually face program termination. One reason for under-funding is skewed statistical data. According to the Native American Health Center in San Francisco, Native Americans are less likely to receive mental health services from non-Native providers or county providers. When San Francisco Department of Public Health (DPH) statistical data are the only data, then the number of Native Americans counted as receiving mental health services is not accurately represented. Stereotypical notions of who is Native American affects data collection and results in inaccurate data. Many Native American people are misclassified as *Latino*, *White*, or *Other*, and are not counted as Native American. In addition, individuals may not self-identify as Native American if they are not federally recognized or are not enrolled, or if they have been taught to deny their ancestry in order to survive, and may not be counted as such.
8. Native American health care clinics in San Francisco are located in high crime areas. The Native American Health Center is located in an area of frequent drug activity and violence. Older patients, among the most fragile and vulnerable of patients, feel intimidated by these activities and often cancel their appointments. Also, parents of adolescent youth have cancelled appointments and discontinued services entirely due to the negative influences of the drug and violence in the area. The Friendship House (which provides substance abuse recovery services) is located in an area of visible drug activity and alcohol consumption. This adds to the difficulties that people in the recovery program face when confronted with drug and alcohol use.
9. There is a high recidivism rate with alcoholism among Native American people. If there are few funded, culturally appropriate services available for people recovering from the effects of drug addiction, homelessness, alcoholism, violence, generational trauma from the near-genocide, then there is a feeling that one is generally omitted from society's considerations, leading to hopelessness, despair, and recidivism in alcohol and drug abuse.
10. Due to higher rates of diabetes, alcoholism, dental decay, and depression, it is especially important for Native Americans to receive medical, dental, mental health and wellness counseling services.
11. Invisibility, misclassification, misrepresentation, and a lack of funding for adequate service and treatment pose major challenges for mental health and prevention services among urban Native Americans including those in San Francisco.
12. In 2006, the Bush administration (unsuccessfully) proposed eliminating funding for all 38 Native urban clinics throughout the country for the 2007 fiscal year. The administration argued that other community clinics or service providers would serve those patients from the Native clinics. Unfortunately, the cultural component offered to Native American clients was not considered in the Bush administration's analysis. As it is, other urban clinics are already overburdened with their own populations and their ability to serve additional Native American patients with cultural competency is unlikely. The Bush administration's proposed 2008 federal budget includes eliminating funding for the Urban Indian Health Program (Title V).

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13. In 2005, the San Francisco Community Clinic Consortium (10 clinics, including the Native American Health Center) offered services to more than 70,000 low-income San Francisco residents.
14. The Native American Health Center (NAHC) is open to any and all residents of San Francisco and provides culturally appropriate services to the Native American community. In 2005, there were 3,313 patients, most of which were from the Mission District where NAHC is also located. Yet, NAHC does not receive City funding for primary care and dental services.
15. The national Centers for Disease Control (CDC) report that HIV in the Native American community could kill most Native American people in the 21st Century if the current rate of infection continues unabated. National data state that the San Francisco Bay Area has the highest percentage of Native Americans living with AIDS and HIV than any other region in the United States. When population size and rate of infection were taken into account, the Native American population of the Bay Area was ranked third in the rate of HIV/AIDS diagnoses in 2003. The CDC estimated number of AIDS cases among Native American adults and adolescents is 10.4 cases per 100,000 persons. According to San Francisco Department of Public Health data, the HIV prevalence rate is estimated nine per 100,000 among those identifying as Native American. This rate is twice as high as any other ratio or ethnic group per capita.
16. Native American men who have sex with men have a wide range of identities, including heterosexual, gay, bisexual and/or Two-Spirit. Two-Spirit Native American men from all over the country come to San Francisco because there is more acceptance, tolerance, and acknowledgement of their orientation and identity. Gay, bisexual, and Two-Spirit men make up the majority of HIV/AIDS cases in the native community, and many of these men travel between urban areas and reservations.
17. The Native American AIDS Project (NAAP) in San Francisco is one of the most comprehensive, full-service HIV programs for Native Americans in the US, and is the only Native American-specific HIV organization in California. All the services draw upon native cultural, spiritual, behavioral, and medicinal traditions to communicate HIV prevention messages and to care for HIV positive Native American men and women.
18. According to NAAP, among many lesbian, gay, bisexual, and/or transgender (LGBT) Native Americans, injection drug use begins on average at age 13. Often, drug use immediately follows a rape or molestation. Due to cultural displacement and lack of employment, many Native American people have resorted to sex work in urban settings like San Francisco.
19. Mental illness, substance abuse, and a high rate of HIV prevalence are some of the significant problems among some Two-Spirit, bisexual, and gay Native American men, often resulting from homophobia, shame, and unresolved life traumas. This vicious cycle often includes violence and homelessness as well.

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20. The CDC reports that 40.8% of adult Native Americans and Alaska Natives are tobacco smokers (non-ceremonial). This is the highest rate of commercial tobacco use when compared to age, gender, and other ethnic demographics in the United States.
21. Tobacco companies exploit Native American culture by using Native American images in their packaging and advertising.
22. Although Native American populations have a high birth rate per capita, there is also a high infant mortality rate per capita.

D. RECOMMENDATIONS: HEALTH AND WELLNESS

The Commission recommends that:

1. The San Francisco Department of Public Health (DPH) increase City funding to Native American urban health centers and Native American AIDS Service Organizations.
2. The San Francisco Board of Supervisors protect Native American health centers and AIDS Service Organizations from devastating federal budget cuts by calling on San Francisco congressional representatives to hold public hearings before authorizing cuts to federally-funded Native American programs.
3. The San Francisco Police Department (SFPD) increase police presence near the Native American Health Center and the Friendship House, which are located in areas with frequent illegal drug activity, alcohol use, and violence.
4. The City create more affordable, dedicated housing that is culturally competent and welcoming for Native American people, and the Mayor's Office on Housing (MOH) commit more funding targeting Native Americans to mitigate the high number of homeless people in that community.
5. The City dedicate additional resources to addressing the needs of Native American elders. Senior services providers should increase the availability of culturally competent services for Native American elders.
6. Two-Spirit people be consulted by and included in City programs that disseminate HIV information in order to ensure that information that targets Native American people is culturally appropriate for Two-Spirits and other Native Americans.
7. The San Francisco DPH Mental Health Board invite Native Americans to participate as program designers, service providers, and consumers whenever there are upcoming changes to the mental health system.

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8. The City appoint Native Americans to be on Mental Health Boards and committees that address health care, substance abuse, mental health, housing issues, and the environment.
9. The DPH create more San Francisco-based, culturally appropriate support systems for Native Americans dealing with substance abuse.
10. Educators teach health care curriculum with cultural sensitivity and competency regarding Native American communities.
11. The DPH educate all mental health and substance abuse service providers about Native American cultural values in order to create a network of programs, rather than just a few, serving the community with cultural competence.
12. Public health educators teach the public the differences between traditional uses and commercial uses of tobacco, and resources be allocated to support the increased availability of smoking cessation programs for Native American communities.

E. FINDINGS: EDUCATION, YOUTH, AND FAMILIES

1. The Indian Child Welfare Act (ICWA) of 1978 was enacted because a United States congressional committee found that a disproportionate number of Native American children were being removed from their homes and placed in non-Native American homes.
2. In 1978, the US Congress issued findings regarding the educational and cultural health of Native American children. Congress found that federal domination of Native American service programs has retarded, rather than enhanced, progress for Native American people by not allowing them the full opportunity to cultivate leadership skills necessary to develop self-government. Congress also found that parental and community control of educational content is crucial for culturally competent education of Native American children.
3. Historically, most government policies have led to the fragmentation of indigenous communities. As a result, many Native American families in urban areas find themselves homeless. Many homeless Native American people will not go to shelters because there they are at risk of experiencing theft and assault. In addition, many homeless Native Americans are hesitant to accept help because they are very discouraged by the poor treatment and lack of culturally competent services they received within the system.
4. Younger Native Americans are more likely to attempt suicide than any other racial or ethnic group in the United States. According to U.S. Bureau of Vital Statistics death certificate data, "Alaska Native males had one of the highest documented suicide rates in the world."²⁶

²⁶ Gessner, B.D., *Tempora Trends and Geographic Patterns of Teen Suicide in Alaska, 1979-1993*, Suicide and Life Threatening Behavior, Vol. 27:33, at 264.

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5. It is inappropriate to burden young school children with becoming the classroom Native American representatives; students feel burdened and marginalized by racist images that are evoked in school.
6. Culturally appropriate after-school programming encourages students to stay in school because it provides students with activities they can relate to and feel proud to participate in.
7. Lack of federal recognition [of one's tribe] prevents some Native Americans from accessing higher education due to ineligibility for scholarships and other support systems offered to Native American students who are able to enroll with their tribes. In addition, the federal government has a "one-quarter-blood" requirement for a student to be eligible for federal funds dedicated to Native American students.
8. Children in schools routinely hear a variety of anti-Native American statements:
"If you're Indian, then you're dead."
"All the Indians in California were killed off."
"You don't look Indian."
9. Many generations of Native Americans were forced into attending government-run boarding schools that were set up to teach "assimilation" into non-Native American culture. (The credo of these schools was to "kill the Indian, not the child.") In these schools, Native American children were stripped of their names, clothes, languages, and tribal identities. Currently, the effects of historical trauma from systemic governmental and social service policies, including negative boarding school experiences, are still present in the Native American community. Mental health professionals indicate that it takes at least three generations to overcome the effects of attempted genocide within a community. Intergenerational pathologies will continue until successful healing can be modeled and then passed on to subsequent generations.
10. Native American names are an important and integral part of the Native American community's culture and the forceful stripping of these names is an essential element of actual and/or cultural genocide.
11. Cultural misappropriation causes great harm to the Native American community. Therefore, culturally appropriate use of Native American symbols in public spaces is crucial, especially when considering the high dropout rate of Native Americans students, the low life expectancy rate, and the high percentage of stress-related illnesses.
12. Sports mascots perpetuate negative and racist stereotypes of Native American people, and contrary to the assertions of some who support the use of these mascots, they do not honor Native Americans.
13. The first Native American Studies Program in San Francisco started at San Francisco State University (SFSU) in 1969.

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14. City College of San Francisco (CCSF) does not offer a three-unit independent study course in Native American history, although there are three-unit independent study courses offered in African-American, Latino-American, and Asian-American history. The curriculum at CCSF regarding Native American cultural recognition, critical history, and factual accuracy needs improvement.
15. Native American consultants are paid very little, if at all, for the information that they provide to Native American Studies programs.
16. In a recent survey of parents, Native Americans rated education as their top priority. Non-Native American people rated home, job, and/or transportation as their highest concerns.

F. RECOMMENDATIONS: EDUCATION, YOUTH, AND FAMILIES

The Commission recommends that:

1. The California State University Board of Trustees create a Bachelor of Arts degree in Native American studies.
2. City College of San Francisco (CCSF) create a Native American Studies department.
3. The San Francisco Board of Education write letters of support for the creation of a B.A. Degree in Native American Studies at San Francisco State University.
4. The San Francisco Board of Education establish a K-12 Native American Charter school in San Francisco.
5. San Francisco Unified School District (SFUSD) and private educational institutions contract with Native American diversity consultants to create a plan for culturally appropriate curriculum development for all San Francisco K-12 schools, thus ensuring that informational authority in schools remain with Native Americans.
6. SFUSD and all other educational institutions in San Francisco review curricula, holiday activities, and art displayed in public and private schools depicting Native Americans, in order to alleviate racism and cultural insensitivity. Also, SFUSD and other public and private educational institutions remove all inappropriate images and Native American mascots from all schools and educational institutions in San Francisco.
7. The City ensure that funding for after-school programs be used to foster Native American culture in the schools, including Native American dancing and art.
8. The City support and defend the right of Native American people to publicly use the Native American names given to them by their tribes and/or Elders.

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9. Financial aid offices and educational funding programs create more college scholarships for Native American students, especially considering Native American students who are not federally recognized, or who do not meet the “one-quarter blood” requirement for federal scholarships offered to Native American students.
10. Native American community members in San Francisco who are well informed about their respective cultures be used as resources to provide culturally appropriate information on Native American authors and curriculum to students, faculty, staff, and the public.
11. The San Francisco Board of Education adopt a resolution supporting a national ban on Native American mascots.
12. The San Francisco Forty-Niners draft a letter urging other National Football League teams to stop using Native American mascots, and that they reconsider the historical implications and cultural appropriateness of their own name, image, and mascot.
13. The San Francisco Giants draft a letter urging other Major League Baseball teams to stop using Native American mascots.

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G. FINDINGS: CULTURAL, POLITICAL, AND SOCIAL

1. Because it is a relocation center, the Bay area has the second largest Native American population in the country. Per capita, California has the largest Native American population in the US, according to the 2000 US Census.
2. According to federal statistics, the majority of Native American people in the US live in urban areas and not on Reservations (federally-recognized tribal lands).²⁷
3. The poverty level on reservations is very high; while casinos do produce substantial wealth for some tribes and their members, the majority of Native American tribes do not have casinos. According to the U.S. Bureau of Indian Affairs, the unemployment rate on some reservations exceeds 80%.²⁸
4. Native American cultural and social programs, such as the Native American Cultural Center, have no physical location in San Francisco.
5. Conversations, trainings, and community forums about racism rarely include Native American concerns. Native American people are conspicuously absent from the table, and if they are invited, it is often as an after-thought.

²⁷ U.S. Bureau of the Census, “1990 Census of Population, General Characteristics, of American Indian, Eskimo, or Aleut Persons and Households,” 13.

²⁸ American Indian Population and Labor Force Report; Local Estimates of Indian Service Population and Labor Market Information, (2003) U.S. Department of the Interior Bureau of Indian Affairs, Office of Tribal Services.



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6. For Native Americans, a federal holiday honoring Christopher Columbus is an insulting gesture. For millions, 1492 marked the beginning of the implementation of policies designed to systematically exterminate Native American people and their cultures.
7. Racial, or ethnic, misclassification often makes it difficult to assess the precise nature of Native American community needs.
8. It is difficult to find an appropriate place for conducting traditional Native American spiritual ceremonies for the entire community.
9. Native Americans are experiencing a cultural renaissance, which includes revitalizing their pre-colonial histories and cultures. Indigenous people throughout the Americas are reclaiming land, resources, cultural, and spiritual life.
10. The International Indian Treaty Council in San Francisco (founded in 1974 by the American Indian Movement in order to take their concerns to an international body) is a United Nations nongovernmental organization, having consultative status to the United Nations Economic Council since 1977.
11. The term *Two-Spirit* was coined in the early 1990s by Native Americans during a lesbian and gay gathering. The LGBT community uses the term to maintain cultural continuity with those Native Americans who manifest a dynamic balance of both feminine and masculine energies. Many tribes held Two-Spirits in sacred positions, honoring them as medicine persons, marriage counselors, and mentors to teenagers. Due to the negative effects of homophobia and certain religious values first imposed on Native Americans by European colonists, most Two-Spirit people have lost positions of honor and respect within their tribes.
12. Through free trade agreements, indigenous people are losing land in Mexico, Central, and South America. Native Americans from Mexico, Central and South America, become invisible in San Francisco because the census only provides a distinction between Latino and Native American. There are 51 native languages spoken in Mexico and 21 in Guatemala. By not giving these people an opportunity to be recognized, the government will be unable to address their needs.
13. Many Native Americans from Mexico, Central and South America, work 14 hours a day in the restaurant and hotel industries in San Francisco, mostly without earning any medical benefits, or without understanding employment discrimination laws - many fear that they may be fired without cause at any moment.
14. Depression and stress are a result of being separated from their country and from working long hours, causing feelings of isolation, discrimination and marginalization. Many Mayan youth seek refuge in drugs, alcohol and gangs. Mayan youth facing criminal charges often lack appropriate translators.

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15. The Native American display at the De Young Museum has been reduced in size to a passageway and a small space underneath a stairway. It is not known if other Native American historical or contemporary artifacts are available for public education in San Francisco.
16. There is a statue in the San Francisco Civic Center (between the Public Library main branch and the Asian Art Museum on Larkin Street) that glorifies the conquest of California Native Americans. It depicts a naked "Plains Indian" on the ground, intimidated by a priest who is gesturing at the sky with one hand while pointing down at the Native American with the other. A Spanish vaquero brandishes his fist in a conquering, menacing gesture.
17. The light poles along Market Street and at the Legion of Honor in San Francisco, which are intended to glorify the conquest of Native Americans, are brass bas-relief sculptures depicting naked "Plains Indians" on horseback and are entitled "Winning of the West."
18. There is a large statue of a Spanish conquistador at Lake Merced in San Francisco, glorifying the conquest of Native Americans.

H. RECOMMENDATIONS: CULTURAL, POLITICAL, AND SOCIAL

The Commission recommends that:

1. The City consult with the Native American community on identifying statues and other symbols that represent the conquest and genocide of the Native American people, with the goal of removing them and placing them in an appropriate location, such as a museum where the public can be educated on why such representations are offensive.
2. The City establish an annual Indigenous People's Day (a City holiday), to increase Native American visibility and pride.
3. The City explore a way to celebrate the contributions of Italian Americans and their heritage without honoring Christopher Columbus.
4. The City observe an "International Day of Reconciliation" to acknowledge the sacrifices of Native American people.
5. The City change the names of Junipero Serra Boulevard and Columbus Avenue to names that do not honor people who conquered or brought great harm to Native Americans.
6. The City create street names to honor Native American people, such as Richard Oakes Boulevard and Ohlone Avenue.
7. The San Francisco Art Commission include Native Americans in the process of identifying funding for and approval of public art projects that contain images of or pertain to Native Americans.

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8. The San Francisco Public Library create a Native American resource room at the main branch.
9. The City encourage retailers and other commercial enterprises in the City to refrain from creating or promoting Columbus Day sales.

I. FINDINGS: GOVERNMENT

1. The Declaration of Independence refers to Native Americans as “the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is undistinguished destruction of all ages, sexes and conditions.”
2. The federal government’s use of a system of blood quantum requirement makes it difficult for many Native Americans and tribes to obtain legal recognition as Native American. Also, this requirement severely impacts access to scholarships for education, as well as health care and other services, while it perpetuates mental health problems associated with feeling politically and culturally invisible. This system also contributes to under-counting of Native American populations and inadequate funding of programs.
3. According to the 2000 Census, approximately 12,000 Native Americans were identified living in San Francisco. However, only one person who is known to be Native American is currently seated on a City Board or Commission.
4. Some City departments do not track Native Americans when they collect demographic information, instead counting them as “other.” The Department of Public Health does not track Native American births or deaths in San Francisco.
5. The majority of Native Americans who live in San Francisco today are here due to government relocation policy of the 1950s. This policy removed Native Americans from their reservations and relocated them to cities nationwide. The policy actually enticed Native American youth to come to seven large urban areas, including the San Francisco Bay, with promises of job training, housing, and stipends. The promises often fell short; checks did not arrive, job training was for menial labor, and people were housed in inferior housing, separated from their families and extended tribal communities.
6. A tracking system for foster children was created, in part, by the federal Indian Child Welfare Act (ICWA) as a response to the disproportionate number of Native American children who were being removed from their families and placed in non-Native American homes. Despite this, San Francisco Human Service Agency (HSA) administrators do not mention the percentage of Native American children in the system proportionate to the Native American population in San Francisco. The very system created to track Native American children in the child welfare system, and utilized by the City, currently does not track Native American children in San Francisco

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7. San Francisco benefits greatly from its reputation as an “international” city, both in terms of cultural enlightenment and the tourist dollar. Exchanges and interactions with people from other nations and other indigenous communities help improve our understanding of how communities coexist, cooperate, as well as improving community and civic relationships.
8. In Australia in September 2006, the indigenous people were given back their traditional land by Perth, the capital city of western Australia.²⁹
9. Rebuilding trust will take time because so many Native American people have had difficult experiences with government agencies.

J. RECOMMENDATIONS: GOVERNMENT

The Commission recommends that:

1. The San Francisco Board of Supervisors write a resolution in support of a federal acknowledgement of the characterization of Native Americans in the Declaration of Independence. This resolution should urge local, state, and federal public education curriculum to include lessons on the inappropriate nature of this characterization and the historical and modern negative impacts on indigenous people by being referred to in the Declaration of Independence as “the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is undistinguished destruction of all ages, sexes and conditions”.
2. The City survey the Native communities, including those from Mexico, Central, and South America that are living in San Francisco in order to provide them improved government services.
3. The San Francisco Board of Supervisors write a resolution in support of federal recognition of California tribes.
4. The City support the United Nations Declaration of the Rights of Indigenous Peoples.
5. The City appoint Native Americans to sit on Boards and Commissions, and to work as Department heads.
6. The City hire more Native American people in its various departments.
7. The City develop a qualified pool of translators and provide Native American language translation services where legal counsel is needed for Native American people with English as a second language, or who are monolingual in their own languages.

²⁹ Bennell v. State of Western Australia [2006] FCA 1243 (19 September 2006).

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8. Data documenting Native Americans in the child-welfare system be included in all reports published by Children and Family Services of San Francisco's Human Services Agency (HSA) to assure compliance, and to address disproportionate numbers of Native American children who may be in foster care or awaiting adoption.
9. The City partner with members of the Native American community to identify funding for the creation of a Native American Center, which would include a place to perform ceremonies and to gather, as well as a space for artistic expression and performances.
10. Encourage and assist more Native American government officials to work as liaisons between their offices and the community.
11. The City should fully support and encourage international indigenous exchanges and collaborations.

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CHAPTER 3

ORAL AND WRITTEN TESTIMONY

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The oral testimony presented below is transcribed from the October 12, 2006 public hearing and are the actual words of the speakers, unedited by the Commission.

THE OHLONE PEOPLE

Anne-Marie Sayers (Mutsun Ohlone)

Commissioners and body, as an Ohlone person that lives on my traditional lands in Indian Canyon, I welcome you to Costanoan-Ohlone territory. We're still here. The Costanoan-Ohlone territory extends from San Francisco down to Big Sur, from the Pacific Ocean to the eastern part of the Mt. Diablo range. And within that area, there are eight different languages, seven different missions, and many people who are very much involved with their community, with their culture, with their language, with the lands they've always been on pre-contact, and since the beginning of time.

We are still here, although the federal government does not recognize us. In Washington, D.C., the legal opinion is that if you are not a member of a federally recognized tribe, this government cannot hold land in trust for you. In California, the reality is there are in excess of 3,000 California Indians that have land in trust that are not federally recognized.

Fifty percent of California Indians are not federally recognized. There is good reason. Primarily, the mission system is one of the main contributing factors. Indian Canyon, which is a two and a half hour drive from here, just south of Hollister, 15 miles, is a place that we've opened up for all indigenous people who are in need of traditional lands for ceremony. So there's a lot of ceremony that takes place there. We just completed...a California traditional bear dance, which is a four-day ceremony. And it's a place that is very special, and really quite sacred.

I have quite a number of people that come up to Indian Canyon. And they bring to my attention: "Anne-Marie, I am from this mission right here, Mission San Juan Bautista. My friend is from Mission Santa Clara County -- or Mission Santa Clara. And my other friend I'm bringing up is from Mission Dolores in San Francisco. My mother told me that I was Mexican. Her mother told her, my grandmother, that we were Mexican; but her grandmother's sister -- my great aunt -- told me that we were Indian, right here, from the Mission San Juan Bautista. I want to learn more about my culture. I want to know more about my ancestors and honor my indigenous ancestors." I bring to their attention that there's good reason why there has been five and six and seven generations of Indian denial.

In 1854 alone, this government spent in excess of \$1.4 million; \$5 a head, 50 cents a scalp. It was called the "California Indian Genocide Policy." This government paid professional killers and paid for their lodging and paid for their bullets and paid for the guns and paid for their supplies to remove the native peoples, because we could not push them any further west. And so to say you were Indian in the 1850s was suicidal. You have an Indian woman that watches her two sons get killed, her husband get killed. She is telling her daughter to say you aren't Indian for her survival. And what is transpiring because of federal recognition - and one contributing factor happens to be gaming - is intra-tribal differences within the Costanoan-Ohlone community, within many different native communities that this government no longer has to divide and conquer; it's just divide and ignore.

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The fact that the City of San Francisco, which we have had excellent communications with, the limited amount that we have had - Crissy Field is a very good example, working with all of the indigenous people within the Costanoan Ohlone territory. It's proven to be beneficial, extremely helpful in giving our ancestors some form of recognition, some form of dignity, so that when our kids go in school, they don't hear what my daughter heard, which was, "If you're Indian, you're dead." This was only 17 years ago. She's a freshman in college right now.

But I believe this evening, realizing that we are still here -- the original people of the Ohlone territory -- is extremely important. There are many different Ohlone peoples that are extraordinarily sharing. To share our perspective is what's going to be needed for future generations if we are not to be invisible, as we have been. So tonight is an extraordinary important evening. And we have some very good communications that have transpired. I would like to introduce a very good friend of mine. He's a Ph.D. candidate from Berkeley, Chuck Striplen. Perhaps you can share some positive things that are taking place between the County and City of San Francisco, and Ohlone peoples that are still here.

Chuck Striplen (Amah Mutsun Ohlone)

Thank you, Anne-Marie. Commissioners, thank you for having us here today. I am also an Ohlone descendant. I wanted to bring you up to speed on some things you might not have heard about going on between our community, the Ohlone Tribes of various Ohlone communities, and the City and County of San Francisco.

Most recently was the welcoming of a Maori contingent of about 80 Maori individuals from New Zealand that came up, in coordination with an exhibit that took place in the Yerba Buena Center in August of last year. We organized a full, traditional welcoming ceremony that took place at Aquatic Park at six o'clock in the morning on August 4th. That was attended by about 1,000 San Francisco residents, during which time Supervisor President Peskin was presented with a feather cloak by the Maori queen and Anne-Marie Sayers and Val Lopez.

Also, we have been working to ensure that story is told at the new San Francisco History Museum in the Mint. I have been appointed to the San Francisco Historical Museum and Mint Advisory Committee. I've been serving on that for about three years, and now also have been appointed to the Story Land Committee of the San Francisco Historical Society. So, just to report some good news, there are positive steps being taken on the City's behalf and on the Tribe's behalf to further integrate our stories, our history [and] our perspectives into the infrastructure of the city.

And I encourage you to continue that trend; to take additional steps to address protection of sacred sites; to ensure that accuracy is reflected in what school children learn about our cultures. And I think that can be done in the form of a creation of an office within the city infrastructure on indigenous affairs, focusing both on local Ohlone tribal issues, and also those issues of natives from outside this area and other parts of California and other parts of the nation. Creation of such an office would start to create an infrastructure where a lot of these issues could be addressed. And with that, I would like to leave.

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Espanola Jackson (Ohlone)

Thank you very much. My name is Espanola Jackson, and I'm the spokesperson and liaison for the Ohlone Tribe, and have been an elder since 1982. I would like to thank you for holding this meeting in this great chamber. A meeting of this nature has never been held in San Francisco before, to give recognition to my people and all the people that are here.

I will not repeat of some of the things that have been stated... about what is happening in Bayview-Hunters Point, but we do have problems there dealing with burial mounds. I would like to state that the struggle continues. I'm just saddened that I did not know that meetings were being held to talk about the Native Americans of San Francisco, because I definitely would have been there, but maybe I was not on the list. And maybe there might be a reason for that, because we came before you in '92. And when I say "you," I'm talking about the Commission. And you passed a resolution at that time, giving recognition to the Muwekma Ohlone Tribe. And from that, the Board of Supervisors in this very chamber three times also did the same thing. And nothing yet has really occurred with the concerns that most of the Native Americans in San Francisco have.

So I'm hoping that today, that you will come with a resolution, and make sure that it is a strong resolution when you hear all of the different comments that you will hear here today. You may not get a chance to hear them again, because I don't know how long I'm going to be here, because of the fact some of the tribes are not on the Federal Register. They were illegally removed in 1927, which means that because the Muwekma Ohlone Tribe was removed in 1927, they're not [on] the Federal Register, the State and the City feel as though they cannot abide by what they are supposed to do when it comes to shell mounds in San Francisco. And it is a crime, because I know you would not want your families to be on earth on houses with – built on that land. And I think about the movie Golf Course, or whatever it was, where the earth opened up, you know, and everybody started walking through -- that can't happen right here in San Francisco.

And I want to also let you know that the Park and Rec -- after learning about the Muwekma Ohlone Tribe, they purchased the Bayview Hill, so that...no one can build anything on that hill. That is in Bayview-Hunters Point. And that was done, I believe, in 1994. So I'm just giving you a little history of what has occurred here in San Francisco. You're going to hear a lot more. And please take notes. And some of the people that are here can go to your schools, you know, so people understand the plight of not just the Native Americans, but all of the people of San Francisco.

Corinna Bolt (Ohlone)

[inaudible]...which means "good afternoon" in my native language... and this is our land. And I want to thank my ancestors for allowing me to be here. If it was not for their struggles and not for them hiding out, pretending to be someone they weren't, I would not be standing here today.

My main purpose of talking...tonight, is to let you know that I'm one of the organizers for the shell mound walk. And we brought people from all over the world. And, after walking for a good while today -- ten miles, probably -- they came here to be a part of this discussion tonight and to spread the word.

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One of the first things that I have to do in my life, I guess, right now is to let you know that we still exist; but also to be the voice for my ancestors, because they have no voice anymore. And they're buried here in the city of San Francisco under buildings, and maybe in places that we haven't found yet. But one of the things that I want to say is that not one more inch, not one more gravesite. Let's call it what it is; they are living cemeteries for our people.

... I still exist. I'm not a descendant of an Ohlone - I am an Ohlone person. And the cemeteries mean a great deal to us. Because we didn't have headstones, people don't seem to treat them the same way. They are sacred to us. That's where we go to pray, to talk, and ask for advice. And sometimes... when we were walking last year, we came through the city of San Francisco and we stopped at these different places under Macy's, maybe, and had to sit there and pray to our ancestors that were buried deep underneath there and different parts of San Francisco under there.

You know, when I go to Oakland, where most of my recent relatives are buried, I don't have to do that, because I know where they are at. It's very difficult to have to do that - to bring my children along - to tell them, "This is where your ancestors are. We have a great history of being here for thousands of years. And in the very short time that the city of San Francisco sits here, we have created a place that does not honor the ancestors that were here to begin with." So I thank you for listening. I ask that you bring us to the table not as an afterthought, but as people, human beings, that still continue to exist.

Anthony Sul (Ohlone)

Good evening. My name is Anthony Sul, and I come from the Ohlone Nation, and I now live in Tracy, California, but my grandmother -- she was born in San Francisco. And I'm here on behalf of and respect of my family and elders who teach me: Tony Sorda and Patrick Orosco.

While now not a big percentage of the Ohlone people live in the area, we find it essential that we have access to the land and the ocean of this area. And I've heard a lot of stories and songs of how we used to gather at the ocean, and how we used to just be at the ocean and around this land.

And a lot of ceremonies that take place nowadays -- they're not anywhere near the ocean, and they're up in the mountains; not that there's anything wrong with that, but it would be more of an impact to be around where we need to be, which would be the ocean.

And from my own experiences...I had one experience of a ceremony at the ocean. It was a good one. It was one of the best ceremonies that I've ever been to, at the ocean. And the ocean is where we need to be from, where we need to be, where we came from.

And right now I would like to give thanks for everybody for letting me speak. I'm a youth. And the way I was taught, youth is the future, and what a better way to show what the future would be [than] by letting somebody like me talk. And I give respect again for the people who have talked years before me.

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HEALTH AND WELLNESS

Mark Espinoza (Eastern Cherokee) – Native American Health Center (NAHC)

Good afternoon. My name is Mark Espinoza. I'm the executive director of the San Francisco Native American Health Center. First of all, I'd like to thank the Human Rights Commission for the opportunity to address you today. I think it's important that the Commission hears the voices and concerns of the Native American community of San Francisco.

As you may know or will know after the full testimony today, the majority of the population of Native Americans living here in San Francisco is a result of the U.S. government's relocation program of the 1950s. This relocation program took Native Americans off their reservations, and relocated them to various cities across the country.

The need for medical services for Native Americans led to the opening of the first clinic here in San Francisco in 1972. Our clinic is a member of the San Francisco Community Clinic Consortium, which consists of ten clinics throughout the city. These ten clinics are the safety net of the San Francisco Department of Public Health. In fact, last year the ten clinics provided services to more than 70,000 of San Francisco's medically needy and low-income residents, which was more than the San Francisco Department of Public Health provided.

Our organization currently operates clinics in San Francisco, Oakland, Sacramento, and Fresno. The San Francisco clinic is located at 160 Capp Street, in the Mission District. We rent a space that's a little over 10,000 square feet, and we have approximately 41 employees from various ethnicities and backgrounds. Our clinic offers full medical, dental, pediatric dental, HIV services, family and child counseling, and WIC services to the community. Although our initial focus of patients was Native Americans, we are open to any and all residents of San Francisco.

Last year we saw 3,313 patients, with total visits of 10,504 patients. Because of our location, many of our patients are residents of the Mission District, usually below the federal poverty level, in poor health, and in need of health care. We also provide health and dental care to the homeless population of San Francisco.

Although we currently receive funding from federal and state grants, private donations, private insurance, and patient revenue, we receive no funding [for] primary care and dental services for the medically indigent adults from the [City and] County of San Francisco. We have a great need for medical and dental supplies and equipment. We also need funding for substance abuse and mental health services. What makes our clinic unique is that we provide culturally appropriate services to the community that has been removed from their traditional homes and their families. Our staff represents many tribes from across the country. We hire traditional Costanoans from various tribes across the country to come to our clinic and conduct group sessions as well as one-on-one meetings with our clients. As you can imagine, there is a certain level of distrust amongst Native Americans when dealing with government agencies. Therefore, it's very important for our community to receive services from an agency that they can trust. I can honestly say that many of our Native American clients would not seek health care if it were not available -- if we were not available to them.

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As we know, those who put off even the most basic health care usually present in our ERs of our hospitals, driving up the costs of health care for all of us. With rates of diabetes, alcoholism, dental decay and depression higher than that of the general population, it is important that these clients are able to receive medical, dental, and counseling services, especially those of a preventive nature. Our clients are very comfortable with our center, and some regard it as a community center as well.

Earlier this year, the Bush administration proposed the elimination of funding for all 38 Native urban clinics throughout the country. The administration reasoned that the services we offered were duplication of services. They felt that our patients could easily be folded into our county medical service plans or other community clinics. Their failure to realize, that the cultural component that we offer our clients is of the utmost importance, was sad, to say the least.

Additionally, most urban clinics are located in big cities, such as Minneapolis, Phoenix, Denver, and Los Angeles, to name a few. These cities, like most others, are struggling to provide services to their non-Native populations, and, in many cases, could not absorb the additional patients that would seek services from them. Although Congress has restored these cuts, the budget has not been passed, and the possibility of funding cuts still looms.

One of the things I think I should – that should be mentioned is the area in which our clinic is located. If you're familiar with the location on Capp Street, it's between 16th and 17th, Mission and South Van Ness. You know that it is not a very nice area. We are constantly battling drug dealers, drug users, and the homeless population that lives on Capp Street. On a daily basis, we encounter feces, urine, syringes, and various acts of violence. We have asked that the Mission Police patrol the area on a regular basis, but that has not happened. What troubles me the most is that our elderly and pediatric dental patients, most of whom are the most fragile of our clients, suffer.

Sometimes our patients are so intimidated by the people who congregate on the street, that they cancel their appointments or fail to show up. If you have any contacts in the Police Department, please mention our plight. Our staff and patients would really appreciate any help that the Police Department could give. In closing, I would like to again thank the Commission for its work and its dedication to all of San Francisco's residents. If you would like any more information, you could please contact me. Thank you.

Myra Smith (Muskogee) – Friendship House Healing Center

Good evening. My name's Myra Smith. And I just want to thank the Human Rights Commission for hearing us out tonight. I work for a Friendship House Healing Center. It's part of the Friendship House Association of American Indians. We are a drug and alcohol [treatment] program, located in the Mission District. And we've provided service to our Native American community for the past 43 years.

We just recently got a new building. It's about a year and a half old. We have an 80-bed facility located at 56 Julian. We also have a women-with-children program in Oakland. And we also do outreach out in San Jose. And our talk to you tonight is about funding. And it's just, like everybody else...funding is a main topic; a hardship for everybody. We...serve many Native Americans that come from all over into our facility. We help them work through emotional, mental, physical, and spiritually to complete them into a whole person.

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A lot of our women that come in, they get reunited with their children. A lot of people that come through our program -- our program is a one-year program. At six months, they're able to go out, work, become members of society, go back to school, get careers, and come back and even work for our community. So we'll just talk to you tonight about funding.

And...we're also in the Mission District right by the Health Center. And it is a really bad area there. I know sometimes when I walk to the clinic, it's really hard, because I can see people living in their cars and shooting drugs going by there. I know it's hard for elders, and especially for people in recovery. So if you can give us any help at all, we'd really appreciate it ... Thank you.

Joan Benoit (Chippewa of the Thames, First Nation) – Native American AIDS Project (NAAP)

Good afternoon. I want to first of all thank you for inviting us to speak, and express our issues to you today. My name is Joan Benoit. I'm executive director of the Native American AIDS Project [NAAP].

In 1984 the American Indian AIDS Institute (AIAI) was established by the Gay American Indians and other concerned members of the community, to meet the demand for culturally competent services for Native Americans living with HIV in San Francisco. AIAI was originally staffed by volunteers to provide case management and practical support services.

The [NAAP] evolved out of AIAI in 1994, and has reached out to serve the most vulnerable and disenfranchised Native Americans in San Francisco. [NAAP] is one of the country's most comprehensive, full-service HIV programs for Native Americans, and is the only native-specific HIV organization in California. All services draw upon Native cultural, spiritual, behavioral, and medicinal traditions to communicate HIV prevention messages, and to care for our HIV positive brothers and sisters. The HIV epidemic is a serious threat to Native American communities. In addition to being seriously affected by HIV, American Indian populations face challenges in accessing health care, prevention services, and treatment.

The San Francisco Bay Area has the highest percentage of American Indians living with AIDS than any other region in the United States. The number of HIV and AIDS diagnoses in the American Indian population represent less than one percent of the total HIV cases reported; however when population size and rate of infection are taken into account, in 2003 the Native American population was ranked third in the rate of HIV/AIDS diagnosis.

Epidemiological data released by the San Francisco Department of Public Health in 2003 indicates that the HIV prevalence estimates among those identifying as Native American is nine percent. This rate is twice as high as any other ratio or ethnic group. The San Francisco prevention plan also cites other studies that indicate a 24 percent HIV prevalence rate among Native American men who have sex with men, and...21 percent [prevalence] among Native American male-to-female transgender [people].

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Additionally...the number of HIV/AIDS diagnoses among Natives are relatively low. These may be affected by racial misclassification. Fifty-six percent of American Indians with AIDS in Los Angeles [were] racially misidentified. Seroprevalence data underestimates the scope among Native Americans

Most recently in San Francisco...[it is] estimated [that] AIDS cases among American Indian adults and adolescents [are] 10.4 cases per 100,000 persons. This is the third-highest rate, just after African Americans and Latinos. Native American men who have sex with men have a wide range of identities, from heterosexual to gay, bisexual or Two-Spirit. American Indian men who have sex with men come to San Francisco from all over the United States, because there is more acceptance, tolerance, and acknowledgment of their orientation and identity than other parts of the country.

Unfortunately, mental illness, substance abuse, and HIV are significant problems among this population, often due to oppression, homophobia, shame, and unresolved life traumas. Gay, bisexual, Two-Spirit men make up the majority of HIV/AIDS cases in the Native community, and many of these men cycle back and forth between urban areas and reservations.

[Concurrent] substance abuse and mental-health disorders are a significant problem among American Indians. Mental...illness is a major problem for American Indians, and is a vicious cycle, which includes substance abuse and violence. [With] LGBT American Indians, the average age of beginning injection drug use [is] 13 years old, [happening] often immediately after a rape or molestation. Due to cultural displacement and lack of employment, many have resorted to prostitution in urban settings like San Francisco, often with multiple sex partners.

Homelessness is also a significant issue with our population. While representing less than one percent of the U.S. population, it is estimated that American Indians constitute eight percent of Americans who are homeless. A study of American Indians admitted to the Emergency Department of San Francisco General Hospital found that the majority of admissions were men between 21 and 64 year of age, and were homeless.

Since the onset of the AIDS epidemic, people with HIV, who also have mental-health and substance-abuse problems, have faced an uncoordinated, fragmented, and often insensitive system when accessing services. Barriers to access are even higher for Native Americans, reflecting the health disparities and the invisibility, misclassification, misrepresentation, and a lack of funding for adequate service and treatment which pose major challenges for mental-health services among urban Native Americans.

For example, many state and local governments erroneously assume that the Indian Health Service is solely responsible for the health needs of American Indians. American Indian tribes and urban Indian organizations are often denied funding opportunities available to other citizens.

In February of 2006, the government proposed the elimination of the entire urban Indian health program from the Indian Health Service budget. This proposal will terminate most urban Indian health projects across the United States. It is essential for the health of the Native community in San Francisco that every effort is made to ensure adequate funding for primary care, mental health, housing, and HIV prevention services. Thank you.

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Eugene Hightower – Walden House, Reach Program

Hello. I'm visiting from Walden House... I'm the manager of the Reach Program at Walden House. I'm a psychologist. And what the Reach program is...funded by the Center for Substance Abuse Treatment, which is out of Washington, D.C. CSAT grant. We're starting our fourth year of a five-year contract...[T]he reach program is...an enhancement program at Walden House, where we offer clients in recovery at Walden House, whether they come in the TCs, the psychotherapeutic community outpatient or day treatment -- enhance the cultural services.

We work with African American clients, American Indian clients, Asian/Pacific Islander clients, and Hispanic clients. So with the reach program, we have staff members from each of those ethnic groups working there. And we have many groups that clients share together, such as groups that help them learn how to deal better with stress and emotional upheaval, post-traumatic stress, that sort of thing.

And then we have subgroups, specific groups on building cultural strengths. We invited speakers to come in and speak to the clients and the staff about American Indian cultural values, African American, Hispanic values, Asian/Pacific Islander values. And each of those individual clients groups meet every week. We do a pipe ceremony. We go to sweat lodges. We go to cultural events, such as Pow Wows, American Indian Film Festival.

That's not just to have fun and get out in the community. We try to encourage the clients to have greater pride in their background and in their recovery, and use that in the recovery process. We believe that when a person has an addiction to drugs and alcohol, they feel at the bottom of society; and often they get kind of confused thinking maybe the reason why they're in the bottom of society is because of their ethnicity, as opposed to seeing their ethnicity, identifying what their cultural strengths are.

We're going to help them. We try to encourage that kind of process, both in groups and in individual meetings with clients. When clients leave Walden House...let's say they don't complete their program or they are asked to leave early...sometimes people relapse in program. We work to get them in other programs. We work a lot with programs in the Friendship House. We work with Asian Recovery Services. We work with other groups to get our clients -- our goal [is to] help people recover, whether they do it with us or someone else.

Clients come see us on an outpatient basis. I think we're a very strong enhancement program. I think what's important about our project, too, is that, in terms of the Native American community, you need to have...organizations that are not necessarily Indian organizations, [yet] also have cultural sensitivity and awareness, because with an area like substance abuse, you will have the phenomenon: people don't make it in the program. Either they relapse -- recidivism with alcoholism. You need people to be able to go back and forth between programs.

We've had this with many other programs. People with us leave; go to other programs. Sometimes they come back, or we get them from other programs. But it's good to have sort of a cultural sensitivity in other large city programs or programs that deal with multiple communities, as opposed to just saying, "Oh, just go over to that program." They deal with Asians, Indians, [and] Black People. There's a place

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where they try to understand as best they can several different groups. We're a good fallback in that way. We're a good resource, I think, in the community that way. And we also have a focus in our program of HIV transmission prevention. So we do a lot of health education and lot of discussions with clients around preventing getting HIV and other things that compromise their wellness.

I want to mention while I'm here, away from my comments on Walden House program...about ten years ago, there was a subcommittee headed by Connie Bear King from Human Rights Commission ... We compiled a report at the end of that. We served it at City services. And ... there should be a report someplace. So I hope you find that, because I think one of the scary things about these kinds of things: you can do a lot of investigation, thinking, write it all up. It goes on a shelf. And ten years later, no one knows what it is.

Things change a lot in ten years. It's helpful to know what was documented before, if you can find that. We did meet. I was on it for over a year at that point, so it was a very long process. So I hope you can find those documents. So I think that's pretty much all I have to say. And I think, again, my hope that when you're looking through this, one of the important things in the committee that I was on before that we thought was pretty important was that all City services become more aware of the cultural values of Indian people, so that when they interact with Indian people, they'll have some sense of the importance of maybe certain attitudes, certain ways of dealing with people that may be different in one community from another.

I had a client came to our program; told me he was in another program once in a city where he got in trouble for burning sage. He wanted to pray, and was burning sage. The person...thought that was weird. And...that person needed to be in a place where people understood that Indian people burn sage where they pray. It's not some kind of far-out, strange ceremony. Some people think they're smoking marijuana when they smell it.

Getting people to be sensitive to [the idea that] Indian people do things differently in that way is kind of important. So I hope that one thing that comes out of this, just to encourage in-service trainings with staff around being more aware of Indian cultural values and sensitivity throughout all the programs, not just, specific places. That's all I have to say. Thank you.

Ted Guggenheim – California LGBT Tobacco Education Partnership

...Thank you for the opportunity to testify before you today. My name is Ted Guggenheim. I work for the California Lesbian Gay Bisexual Transgender [LGBT] Tobacco Education Partnership.

The Center for Disease Control [CDC] reports that 40.8 percent of adult American Indians and Alaska Natives are smokers. This is the highest rate of commercial tobacco use among every age, ethnicity, and gender category of the United States. According to the American Indian Tobacco Education Partnership, traditional use of tobacco by American Indians does not resemble the common [inhaled] cigarette smoking (which results in much disease and death). Inhalation of tobacco smoke was not appropriate in ceremonial contexts. Many tobacco companies continue to appropriate American Indian images and

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cultural symbols for their packaging and marketing campaigns, and the misuse of this imagery is intended to mislead consumers into believing that brands of cigarettes are healthy or show respect for Native culture.

The truth is that tobacco companies such as American Spirit - that is owned [entirely] by R.J. Reynolds - [have] no higher goal than to increase their corporate profits. As you can see in the two American Spirit ads that I've provided, the tobacco industry not only misuses American Indian imagery, but they also target the LGBT community through their manipulative advertising techniques of equating our struggle for the freedom to marry with the freedom to smoke their cigarettes. And for those who can't see this particular ad, it says, "Freedom to speak, to choose to marry, to participate, to be, to disagree, to inhale, to believe, to love, to live. It's all good." And also they have used subtle airbrushing - They've subtly airbrushed a rainbow onto their packaging for ads used on 20 LGBT magazines.

The last handout I provided was developed into a magnet by the American Indian Tobacco Education Partnership to educate about the difference between traditional and commercial tobacco use. For those who can't see that ad, it says, "Tobacco came to us as a gift. Keep tobacco sacred." Lastly, I'd like to recommend that the Commission show their support for efforts to educate the public regarding the differences between traditional use and commercial use of tobacco, to fight against the tobacco industry's misuse of American Indian imagery, and to support the increased availability of smoking-cessation programs for American Indian communities that are disproportionately impacted by commercial tobacco. Thank you.

EDUCATION, YOUTH, AND FAMILY

Eddie Dang (Tsalagi/Hawaiian)

Good evening. Thank you for inviting me to present tonight. I'm a student enrolled in high school in San Francisco. And I'm coming here with a message for you are folks. We have a bit of a problem. It's more than the singular, but the one I'm going to focus on tonight is the inability of the school district to keep the story straight on Native cultures, both in the past and present.

Going to public elementary school, I had many negative experiences surrounding my heritage, and the misunderstanding of that; a personal favorite of mine being an incident with feathers, little leather straps wrapped around my classmates' heads: Thanksgiving assembly. See a little yelling, screeching, palms vibrating in front of their little mouths: a little party for the slightly bewildered. Buckle hat. Standing about five feet away, I remember sitting there in the audience, not really remembering what to do to fight off the burgeoning headache, watching the teacher swell with pride at his class's acting ability.

Looking back, I wish there was a bit of distinction between dramatization and reality in these things. So I -- what I'm saying is, you know, not allowing blackface from the African American assembly, too, if this is help-able. So middle school wasn't much better. It was most evidently a change. Instead of having a situation where it was primarily, "You can't be an Indian; all those redskins are dead. You don't look like it, so you're white," it became, "Wow. You're Native American."

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And I soon became the teacher resource, the expert on all things red, regardless of region or culture. I like being able to preach a little bit about the lost Italian. I wasn't exactly an authority on my own tribe's culture, let alone the Native population of the Americas. It put the burden of management, research for all that information on me, a challenge that, at twelve, I was a little ill equipped to face. And even now I couldn't completely outline for a class the current Native perspective, let alone the cultural background and histories for all of that information. It gives me a bit of headache just thinking about it.

This sort of behavior sets me apart from my fellows in a big way. You can imagine having to basically teach a course to your peers. I can't do that, but it's a little bit hard, you know, to make any good, long-lasting friendships, with the chums you hang out with constantly waiting for you to do something interesting and ethnic; wouldn't you say?

Now at my current school, faced with the predicament again, we have a class preaching our utopian societies so terrible, that they're all dead and gone now, with their complete freedoms and racism, free minds. Being a little bit of a jerk, I bring up the highly controversial subject of the slave trade in Indian country during the early 1800s. The best part - no one believes me, singing our praises, which I'm not against, by any stretch; but it is a little aggravating having valid, important information tearing down the argument denied outright. And this problem is just a result of poor education.

If the system were to keep the information consistent, we wouldn't have this problem. It just needs to be accurate and as thorough as it needs to be, so my sister can be allowed to wave the Cherokee flags at our schools in national assembly without having to argue. Thank you.

Christopher Gomora (Anishnabe)

First I would like to ask forgiveness from the grandmothers and grandfathers in this room, for being arrogant and speaking before them. Second, I want to acknowledge the people of this land, the Ohlone, because I am a guest here in their homelands. And thank you. My name is Christopher Scott Gomora, Ojibwe Nation, Bear Clan. Fortunate or unfortunate, I was raised in my people's tradition here on the urban "rez." I am a student at City College, San Francisco. Now, for a school that touts about its diversity, this is what I get to experience: [In] my very first English class, I get to read about the savage Indians. In my college prep class, English, I get to read about how Columbus said we would make fine servants. No. Historical fact - he said we would make fine slaves.

I get to face four classes on campus that are not taught by indigenous instructors, but are taught by the oppressors, and they carry the oppressive attitude. As far as representation on campus of indigenous peoples, the only types are either Meso or South American subjugated people, or what I call the "Diego Rivera Indian," which is a representation of a wooden Indian with an artist on bended knee with a stick at his crotch. This particular Indian is - as it has been pointed out by a historian, is that it was [Rivera's] dig at America over what America has done to the indigenous populations. Well, that may be very well, but I, as an indigenous [person], see that representation, and I know that representation comes from a period in American history [when] the only good Indian is a dead Indian. It's wrong.

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In my work with the Commission, I have been trying to get credit for - college credit for the work that I'm doing here. Because I am not African American, Latino, or Asian, I do not have the same access to education; for if I were any of those other races, I would have had a choice of a three-unit independent-study class. Now, I wasted eight weeks of my first semester learning how to navigate the bureaucracy at City College, in the end, to get three units: one in history, one in sociology, and one in leadership. Now, to get those three separate units, I had to write 12 proposals. For finals, I will have to write three separate papers. Is that fairness and equality in education? Thank you for your time, and thank you for hearing me.

Dr. Andrew Jolivete (Atakapa/Opelousa)

Good evening. Thank you for the opportunity to speak to you today about issues impacting the Native American community in San Francisco. My name is Dr. Andrew Jolivete. As a professor of American Indian studies at San Francisco State, I'm aware of the myriad social and economic problems facing our community. As a small ethnic group in the United States and in the City of San Francisco, American Indian people are facing enormous health risks and disparities, ranging from a lack of preventative care to diabetes, heart disease, and HIV and AIDS.

At San Francisco State University, we have a number of Native American students who, while active, face many obstacles. One of the most challenging issues for our students has to do with the overall educational system. Because of curricular bias, many students are not prepared to take courses in American Indian studies. This in large part has to do with the failure of school curriculum to go through a thorough anti-bias assessment as it relates to American Indians.

As a former middle school dean in San Francisco, I am also aware of the many obstacles to balancing diverse curriculum while also meeting state standards. However, if there was a way to improve the number of students who are, number one, prepared for college, and, number two, to have accurate and fair information about the history of Native Americans in K to 12 public schools in the city of San Francisco, it would go a long way in addressing issues of feeling invisible and unsupported by the education system.

Having a unique legal status makes American Indian people a unique community to work with and identify. Problems with blood quantum, federal recognition, and tribal enrollment have severe impacts on our students' abilities to obtain scholarships, health care, and other services.

One thing that the Commission can do to support the work that we are doing at San Francisco State would be to write a letter of support for our implementation of a Bachelor's degree in American Indian studies before November 10th. As one of four departments in the only college of ethnic studies in the country, we are the only group without a B.A. degree, and are currently experiencing some political obstacles to this plan, and hope that the Commission would agree that this degree will go a long way in addressing historical inequalities for Native Americans in the City of San Francisco.

From my perspective, the other major problem facing American Indians is the poor cultural representations of them throughout the city of San Francisco. There are too few images that are not stereotypical, and too many that are insulting. Things like a statue of Christopher Columbus, the

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“Hitler of the American Indian Genocide,” are not, in our mind, an appropriate symbol of the City of San Francisco. I believe that there should be a parade in the City of San Francisco to promote Native American visibility, cultural recovery, and to provide information about services that are available to our community, from health care to adoption, counseling, education, and job opportunities.

Because others are here from several peoples today, I'm keeping my remarks short, and want to focus on my recommendations to the Human Rights Commission regarding the inequities faced by Native people in San Francisco, and what the City can do in a proactive way to ensure that our community will thrive into the future, especially in light of the fact that the average life expectancy in our community is 45 years of age, and we are the only ethnic group that is three times more likely to be the victims of violent crime perpetrated by people outside of our communities. Most violent crime happens within the same ethnic group, except in our case.

We see the continuing colonization of our community, and are pleased that the City of San Francisco is taking the initiative to deal with some of the concerns. So my specific recommendations are the following.

One: [that] the Human Rights Commission...write a letter of support and endorsement for the implementation of a B.A. degree in American Indian Studies at San Francisco State University by the fall of 2007, as is scheduled, and to extend this letter to our university president, Dr. Robert A. Gordon, with a copy going to our department, Chair Dr. Joanne Barker.

Number two: that the Commission increase City funding for urban Indian health centers, because of the possible impact that local Indians will feel, because of last year's federal budget cuts. Seventy percent of Native Americans now live in urban cities; not on reservations. So, without funding for these centers, we will see rises in unemployment, health problems, drug abuse, and homelessness.

Three: that the Commission establish an annual indigenous people's day parade along Market Street in San Francisco in October, to follow the annual gathering on Alcatraz Island the second Monday of October.

Four: that the Commission change the street name of Junipero Serra, near San Francisco State University at Holloway Avenue, to Richard Oakes Boulevard, in honor and recognition of his leadership during the Indian occupation of Alcatraz from 1969 to 1971. Oakes, a Mohawk, was a student at San Francisco State. I believe the name *Junipero Serra* has a bad place in California history, because many of the missions that he founded are responsible for the deaths, decimation of the California Indian population. If the Commission is unable to change this street name, I still encourage that a street be named after Richard Oakes.

Five: that the Commission encourage the City of San Francisco Board of Supervisors and the Mayor to declare a resolution calling for the federal recognition of California tribes in the Bay Area, who are unable to get services because they were the last tribes to be colonized, and the U.S. federal government refuses to acknowledge them. While the City cannot grant [those tribes] federal

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recognition, we can bring national attention to the issue by approving a public resolution on this issue, similar to what happened with the gay marriage issue. I think it brought national attention to that issue. And I think the same could be done for California tribes who need federal recognition.

Six: that the Commission work with the San Francisco Unified School District to establish a K to 12 American Indian Charter School in the city of San Francisco. There is already one charter school in Oakland, and it would be great to have one here, too, to help young Native students learn together create community with non-Natives, and to increase college enrollment rates among American Indians in San Francisco.

Seven: that the Commission work with San Francisco Unified School District to contract a diversity consultant to assess and create an adoptable plan for curriculum reform in all of San Francisco K to 12 public schools where Native Americans are concerned.

Eight: that the Commission work to create an American Indian resource room at the San Francisco Main Library, similar to the one that already exists for other ethnic groups.

Nine: that the Commission considers removing the statue of Christopher Columbus in the vicinity of the library.

Ten: that the Commission work with the City of San Francisco to establish a scholarship program for American Indian students to attend local universities, colleges, and trade or vocational schools.

Eleven: that the Commission work to establish an American Indian community resource center as a clearinghouse for -- and a similar resource like LGBT center on Market Street. The focus of this center would be to bring all American Indian focused community-based organizations and nonprofits together to enhance the lives of our people in San Francisco. This center should house programs in the arts, education, health, homelessness, and a job-training [program] for youth and adults.

And finally, the Commission should work with the state NAGPRA offices -- Native American Graves Protection and Repatriation Act -- to make sure that the City and all facilities housing human cultural and funerary remains of Indian people be in compliance with federal statutes. This should include universities that currently house these remains. I want to thank the Commission for their time. And I'm happy to assist in implementation or planning for any or all of these recommendations. Respectfully yours.

Lori Taguma (Lac Courte Oreilles)

Good evening. I would like to thank the San Francisco Human Rights Commission, Mayor Newsom, Marcus Arana [natoyiniinastumiik (Holy Old Man Bull)], for holding this historic event for Native Americans. I'm a bit bleary eyed, because I've just driven -- well, I drove and then flew in from northern Wisconsin, where I just relocated back to my reservation on the Lac Courte Oreilles Reservation in Wisconsin.

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I have lived in San Francisco for the past 13 years; in California for the past 28. Currently, I'm still on the board of the American Indian Child Resource Center. I also sit on the board of the Art Commission in Berkeley. I have experienced many things while I've been on those boards, and I've seen many things that are not quite as they should be.

Recently, I did move back to my reservation, to escape the chaos that I found in the urban environment of Berkeley. I found that my reservation was an oasis, compared to what I have experienced here while living in Berkeley. Parts of my life here were great, but I've found that the reunification of my traditional culture, my family, and my community brought back my spirit, which I was not finding, sadly, here.

I am now a general manager of our tribal radio station, a Pacifica Radio affiliate, WOJB 88.9 F.M. And I feel that it is a great voice for our community in the Woodlands area. I left here because I found that there were not many opportunities open for me, as well as other Native Americans. And unfortunately, although I feel I am one [of] the fortunate few that have a degree from U.C. Berkeley, it took me 25 years to get that degree, as I struggled to overcome the genocidal effects of our culture.

My grandparents went to boarding school. I went to boarding school. And I know many people whose parents and grandparents suffered from the boarding-school abuses. And I do wish that I had the 20 years that it took me to overcome the effects of that genocide, although I feel that I'm very stable right now, I would like to help other Native Americans who are following in my footsteps. And they do say that it takes three generations to overcome the effects of genocide within a family system and within a community.

I see those effects daily. The Bay Area has the second largest Native American community in the country, and yet they are mostly living in east Oakland. The opportunity is not opening for them as well as myself up to a certain point. The Child Welfare Act (as well as organizations such as American Indian Child Resource Center) [has] played a large role in the reunification efforts, but we need to stabilize our families within this economic climate as well as our cultural and our land base. I completely agree with the gentleman [who] was here before me - that the California Natives need to define their land base, and they need federal recognition.

We also need to redefine our public art projects. We need to create them for ourselves, in our spiritual way, and with our cultural boundaries intact, replacing the fetishized, sexualized, and reductive imagery that perpetuates the cycle of violence against Native Americans. Otherwise, our culture will remain stagnant. As First Americans, we deserve to live in a community free of poverty, pollution, hostility, and institutional racism, as we all do here in San Francisco. Thank you.

Kim Shuck (Tsalagi)

Hello. Thank you for inviting me. And I'd like to reiterate something that a number of people have said - I'd like to also thank the Ohlone people for allowing us to be guests here.

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When I was asked to speak on cultural appropriation, I wasn't really sure where to start, because it's such a huge issue and it's so pervasive that I was wracking my brain. And, then I teach art and math at an elementary school here in San Francisco. So in the process of wracking my brain to figure out what to say, I took a pause and went to go teach my class. And I was noticing these columns of paintings arranged around a school, and didn't really pay them much mind, although some of the top images on these columns had wings. And I thought maybe it seemed a little familiar, but I wasn't sure what that might be.

So I walked into the classroom. And the teacher that I work with said, "Did you see our totem poles?" Oh, no. So I went back outside and looked at them with the new information and thought, well, who knows; it might have been an interesting assignment. So I went back in and asked her, well, what was the rest of the assignment? There wasn't a rest of the assignment. Basically, someone who was teaching art noticed the phenomenon of carved totem poles, extracted all cultural importance from them completely, and turned it into a 2-D drawing lesson for a bunch of second graders. Now they're all over the school.

And I know that part of this hearing is probably a process for you guys of hearing details over and over and over. And I understand that...unless you're in the situation, it might not seem like these details are hugely important, but I'd have to assure you they are, because life is made up of those details and those moments.

And I have to say the reason that I don't teach very often, after 22 years of officially teaching in and out of San Francisco Unified School District as a resource person, after teaching at San Francisco State University in American Indian Studies, I no longer do this stuff. And part of the reason is my heart just can't take it. I'm heartbroken most of the time. If I'm not wandering around through halls of perforated Styrofoam Dreamcatchers that nobody bothered to process information about, it's totem poles or teepees or whatever the heck else, or it's me going in and having to argue with teachers I've worked with to have my children be allowed to carry their flag in the international assemblies around the school district. And it's really depressing.

And I'm sure there are already rules about this, which is why it sort of feels a little embarrassing to have to come and say, hey, by the way, this is difficult. It interferes with our students' ability to continue in school, and it's absolutely culturally inappropriate.

...If, instead, picture life-sized crucifixes on the walls in the schools. I'm sure I would not be the only person having an issue...One project that particularly offended me was a teacher had the students make Native clothing out of paper shopping bags, and then they dressed up in it and went whooping around the school. And when this sort of thing is mentioned, when somebody mentions it, if you can hold your temper and not fall into the trap of becoming shrill and very upset, like you were really upset - In other words, I'm not allowed to use in this setting -- then people will say, well, I think you're overreacting; I think it's an overreaction.

It's not an overreaction when you look at the dropout rates for our students. It's not an overreaction when you see what our life expectancy rate is, a good percentage of which is disease caused by stress or contributed to by stress. This is killing us. It's killing us. The life expectancy for a man

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used to be a joke in my family between me and my father, because you laugh at things in order to not have them affect you too deeply. The year I gave birth to my son, we stopped having it be a joke. It became extremely important to me that this change. I did not go through four days of labor to have that boy in order to have him die at 45.

We need to make sure that it's clear to people that the authority over information about the Native American people needs to rest with us. Twenty years ago, when I started teaching, the problem was articulated as, "we had not produced enough of our own materials for them to be used." That's a bad excuse now, because we've all written books. There are a lot of people standing here in the room today who have written them. I have one. There are a lot of people here who have them. We have the material. It's out there. The curriculum is out there. We are, as [Dr. Andrew] Jolivet pointed out, in a city in which the first Native American Studies Department started. There are people in that program who are excellent, and, if paid, I'm sure would be a great resource, because we also need to not have to do this for free anymore...

This is one of my big bugaboos. I have 30 emails in my in box right now for me to come speak during the season which for me is the period between "Lost Italian Day" [Columbus Day] and "Glutton Day" [Thanksgiving], and I can work every single day, talking about Native issues during this time period, but nobody wants to pay us for it. I have several degrees. No one wants to pay us to do it. And it's depressing. So I would like to say...my recommendations follow so closely on those of Andrew Jolivet. And I do not want to take up your time doing that, but just to review what he had to say, and to just thank you very much for this opportunity to air some of these issues.

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Anita Mendez (Washoe)

Good evening. I am from the Washoe Tribe. We have a program that's administered by them here in California. Presently at this time, we have five agencies. [The program] is a temporary agency for needy families. We are federally funded. We're similar to Cal Works, but our agency is especially for Native American Indians. And what it is [that] we try to bring them to self-sufficiency...and our mission is actually to achieve and ensure the integrity of the environment and the way of life that is with one's nature element.

We have a cash assistance program with them, where they receive \$100 more than what Cal Works gives them. We have an incentive-program for them also, ... if a child is receiving a C average, they will receive \$50. If another child is receiving a B average that's \$75. And an A -- they receive \$100. And then with that, we also help them, the Native American Indians. It doesn't matter that they are on the roll, but they just need to be a Native American Indian across the United States or on the California judgment roll. And then what we do is we go ahead and see if they qualify for a program. So if there's only one child that's Native American Indian in that family, then we will serve them.

And with that, we give them traveling expenses to school. We have education monies for them... We try to lead them on into family self-sufficiency. In the career department, we have our own computer lab. We have tutoring. We have marriage promotion, fatherhood promotion, and youth and cultural awareness all available in that program. And, as I said before, we have an agency in Alameda, San Jose, San Mateo, Santa Cruz and San Francisco. And I think that's about it. Thank you.



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CULTURAL, POLITICAL, AND SOCIAL

Mona Stonefish (Mowhawk/Potawatomi)

Good evening, fellow Native Americans. First, it's discrimination that our [Eagle] Staff is not up higher with the American flag and the flag of this great state of California. I want to give greetings to the honorable Mayor Gavin Newsom, and the honorable members of the Human Rights Commission that sit here this evening. Please open your hearts and open your minds. We are Native Americans.

My name is Gahawane (phonetic) Mona Stonefish. I hail from the great Mohawk Nation of the Six Nations Confederacy, and the great Potawatomi Nation of the Three Fires Confederacy. I am Bear Clan. My people have been on Turtle Island -- this land now known as North America -- for thousands of years.

San Francisco's homelessness is a national disgrace. Shame on us. Homelessness is a growing problem in San Francisco. As successive governments have reduced social service spending throughout the country, more and more San Franciscans have found themselves without homes and are on the streets. What a shame. There are many reasons for being homeless as there are homeless people. The homeless population includes individuals who are from all walks of life: well educated, and uneducated; highly skilled, and those who have never worked. Many homeless people have become detached or have burned bridges with their family systems, and have nowhere to go except to the streets.

The most striking point about homelessness is the misconception that people choose to be homeless. Historic policies have led to fragmentation of our Native American communities as well as our families. We have Native American families who find themselves homeless. People did not grow up dreaming that some day they hope to sleep in a doorway. They do not grow up aspiring for "three hots and a cot." When they are picked up for vagrancy or public intoxication, people do not grow up wishing to sleep in a concrete driveway, covered with newspapers and soiled clothes, or say, "I want to grow up to be a panhandler." Shame on us.

It is true that some people choose to sleep outside versus to stay in a shelter where they may be at risk for theft or assault. Many homeless people have become very hesitant to accept help. Most homeless people have had a poor experience with the system, and find it difficult to trust others, especially in the areas of mental health services.

This is why it is important that Native American service providers are included in all funding allocations. If you were to offer homeless people the opportunity to have their own place, they would take it. They would choose to be housed if the option was there. There is no question that more affordable housing would go a long way to reduce the number of homeless in San Francisco. But will providing a roof solve the problem? No, absolutely not.

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If homelessness is recurring for many homeless people, we could expect that even if they had a house, even in affordable housing, they may not be able to maintain their housing. Perhaps, particularly for the individuals who are afflicted with mental illness, there may be living-skills deficits that prevent them from being able to maintain their mental health and housing without some outside help.

Homelessness is a problem for Native American peoples. It is also the problem in the broader community of San Francisco. I would like to task this committee to think about how funding is allocated, specifically for Native peoples. We are a people devoted to community. It breaks my heart to see any human being [lying] in a driveway with soiled sleeping bags and clothing. For this reason, my friends, both housing and ongoing support are needed to combat homelessness.

Once people are housed, they need support services, social workers, community Case Workers, and mental health service providers who can assist them in learning new skills and help them regain balance of wellness. Then, they will be residents, to become productive members of our society, first by finding jobs or returning to school. I've seen it happen. Workers are needed who can assist them in reintegrating into their communities or reconnecting [them] with their lost families.

How is this done? Through service providers who the community trusts; by affording funding that allows Native American people to provide the services, not just in the confines of our offices, but through the community, building and developing trust through inclusiveness, and by building trust with those members of our community who have given up hope.

And it is done through the recognition of government officials that Native Americans must be included and have their voices heard at decision-making committees at every level of government, including the Human Rights Commission. What an opportunity for this innovative city of San Francisco to set the example to the rest of the state of California, and this nation to include the voices of Native Americans, by appointing Native Americans to decision-making boards of the City and the County of San Francisco. Ladies and gentlemen, brothers and sisters, I urge you to recommend funding for Native American service providers, so that our community members can assist our relatives and stop the vicious cycle of the homelessness. Together and collectively, we can make a difference. Yes, we can. Thank you.

Michele Maas (Chippewa)

Good evening, and good evening to my brothers and sisters. Sorry for my back to you. Let me begin by thanking the honorable Mayor Gavin Newsom, and the City and County of San Francisco Human Rights Commission, as well as Marcus Arana [natoyiniinastumiik (Holy Old Man Bull)], for providing this very important yet long overdue hearing by the City and County of San Francisco on Native American issues.

It is good to be invited to speak about the needs of our community and how discrimination has impacted our lives. My name is Michele Maas. I'm an enrolled member of the Bad River Band of Lake Superior Chippewa Indians. I was born and raised in San Francisco. However, my family relocated here during the World War II era for employment opportunities.

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Today, I stand before you as a woman - a Native woman affected by historical genocidal policies of the past, with personal and professional experience on how those policies impacted my life, my family's life, and the lives of my community. I have a Masters of Social Work degree, and I'm currently accruing hours for licensure by the State of California Board of Behavioral Sciences as an LCSW. I currently provide mental health services, psychotherapy for Native Americans at the Native American Health Center Family and Child Guidance in a San Francisco clinic.

What I want to say to you tonight is that it hasn't always been that way for me. And I have currently been growing into my role as a mental health professional. There was a time when I had given up hope and thrown in the towel on life. Today, I have 14 years [of being] clean and sober. I'm a recovering heroin addict and alcoholic. And I understand how I got to where I am today, and the journey that brought me here.

Today I can give back to my community, so that the hopes of other Native American peoples may be restored. As Native Americans, we know in making decisions and choices today, we must consider the next seven generations yet to be born, because our choices and actions will affect those that are yet to be born.

In the interests of time, I will speak to a major form of discrimination that affects Native Americans in the urban areas, particularly in San Francisco. This discrimination is a very subtle form of discrimination. It is discrimination by omission, or we can call it "exclusion from the process," or it can be called a "lack of voice," and "invisibility."

Last night my relative [Mona] Stonefish and I attended the City and County of San Francisco's Mental Health Board meeting here in City Hall. I heard some statistics and alarm from Department of Human Service Child Welfare Administrators about a disproportionate number of African American children in the child welfare system. What I did not hear was any mention of the percentage of Native American children in the system in proportion to the American Indian population in San Francisco. Now, you might say, why is that important?

It's important because there is a federal law called the Indian Child Welfare Act, of which I am very proud to say my relative was part of the activism that propelled that committee and commission into action during the 1970s: [Mona] Stonefish. And I want to acknowledge her for that activism. The law was passed because a United States congressional committee found a disproportionate number of Native American children that were being removed from their homes and placed in non-Native homes.

It is important because nearly 30 years later, I don't hear mention of American Indian children at a Mental Health Board meeting in San Francisco...by the Department of Human Service administrators as they report the needs of and information about the needs of foster care children in mental health services. Once again, we are excluded.

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It is important because I, as a Native American citizen of both the Bad River Nation and the United States, and a resident of San Francisco, don't hear anything mentioned about our needs. This, ladies and gentlemen, is discrimination by omission. I also want to mention that...I didn't see any Native Americans or persons that I knew to be Native American on the Mental Health Board. This, too, ladies and gentlemen, is discrimination by omission. By omission, I repeat. This is.

This is discrimination, to deny a voice to Native Americans that reside in the City and County of San Francisco, when statistics tell us over 60 percent of the Native American population now live in urban areas. The population of Native Americans and Native Americans mixed with at least one other race who identified in the 2000 Census in San Francisco is approximately 10,000. I checked

the United States Census information. I checked some Web sites. I'm not sure if they were official to San Francisco, but the number did not include the number that -- people that identified as Native American and Native American with one other race. This, my friends, is discrimination. As to my knowledge, there is only one Native American person on a board, a City and County board. This, ladies and gentlemen, is discrimination by omission. You make us invisible.

Being invisible and denying us a voice creates a space where American Indians who are already suffering from historical and intergenerational trauma, grief, violence, racism, truly become hopeless. When we believe or internalize the message that our government officials send us, indicating we don't count, we're not important, then drugs, alcohol, homelessness, lack of self-esteem, lack of confidence, and self-worth are the result. We give up, just as I did in my adolescence, at 16 years old. Yes, ladies and gentlemen, not having a seat or a voice at the tables that make important decisions, particularly in areas of funding, is, in fact, a crime of discrimination by omission.

Native Americans living in this unique and beautiful City of San Francisco deserve to be recognized as a population. We deserve our voices -- and please notice I say "our voices," because there are over 500 tribes of Native America that are lumped into the category of Native Americans, and many, many numerous tribes that are indigenous to this state that we now know as California.

And, as urban Indians also living in this city, we have many needs. We also believe we have knowledge to share, methods that may be helpful to the broader community in terms of changes to the mental health system that I hear are under way, but we have not been invited to any meetings until recently, at a conference that was organized in part by the Native American Health Center and state officials. And I was invited by a community member that sits on the board, but not [by] an official. And I'm disappointed to say that.

Today, I am proposing that the City and County of San Francisco stop this blatant discrimination against Native Americans by affording Native American peoples a seat at the numerous decision-making boards of the City. I'm calling upon this committee and Mayor Gavin Newsom to seize this opportunity and expand the City and County decision-making boards, particularly in respect to funding allocations in areas of substance abuse, mental health, prevention services, housing, environmental cleanup areas, and to include the Native American voice. I'd like to thank you. I'd like to thank my brothers and sisters for listening to me. And I'd like to thank the board for listening to my comments.

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Sally Ramon (Tohono O'odham)

Ladies and gentlemen...I really wanted to ask the Commission if they could provide for the Native Americans an Indian center. Seemingly every place I've been to, everything I've lived in, there's always been an Indian center, and also a permanent place for us to perform our ceremonies with brush arbor, not to enclose the safety circle, but an arbor around the sacred circle, where people can come and sit. I would like to have a permanent place for that. And that is some of our custom.

I also urge the Commission to support the local tribe, the Ohlone, to be recognized by the federal government and be given tribal homeland in San Francisco. Thank you very much.

Rope Wolf (Apache/Maya) – Bay Area American Indian Two-Spirits (BAAIT-S)

Hi. Good evening. I'd like to thank the Ohlone people and the Native Americans of California for welcoming us on their land today. My name is Rope Wolf, and I'm Apache, Mayan, and Irish. I'm a third-generation San Franciscan and, as an urban Native American, I'm also a Two-Spirit, and I am the Co-Chair of Bay Area American Indian Two-Spirits, or BAAIT-S.

Two-Spirit is the term that was coined in the early '90s by Native Americans during a lesbian and gay gathering. Many contemporary LGBTI Native Americans use Two-Spirit to maintain cultural continuity with past cultures, with the past cultures where some individuals possessed and manifested a dynamic balance of both feminine and masculine energies, making them inherently sacred people. Two-Spirits of many people's tribes held honored positions, such as medicine persons, one who married couples, [and] acted as counselors between the sexes handling marital disputes, and teen-agers.

[BAAIT-S] exists to restore and recover the role of Two-Spirit people within the American Indian and First Nations community, by creating forums for the spiritual, cultural, and artistic expression of Two Spirit people. BAAIT-S is a community-based volunteer organization, offering culturally relevant activities for LGBT people or anyone who identifies as Two-Spirit Native American, [and] their families, and friends.

Two-Spirit refers to the commonly shared notion among many Native American tribes that some individuals naturally possessed manifest both masculine feminine spiritual qualities. American society commonly identifies Two-Spirit people as gay, lesbian, bisexual, and transgender. [BAAIT-S] comes together to socialize, share, and network in an alcohol-and-drug-free environment at the San Francisco LGBT Center, and we welcome all people to join us at those events and see what we're up to.

BAAIT-S has recently been awarded a three-year grant for outreach in the LGBT community to provide culturally specific HIV and AIDS prevention [services], and...rapid testing at the San Francisco LGBT Center, for Native Americans and non-Natives. We need help being included in all citywide AIDS health education and outreach, to ensure that Native Americans, straight and gay, can receive culturally appropriate information and referrals.

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Surveys and outreach between our agencies will help serve LGBT Native Americans, including getting future funding for us. So I welcome you to come and find out what Bay Area American Indian Two-Spirits is about and check out our Web site as well. Thank you.

Bill Simmons – International Indian Treaty Council (ITC)

Thank you...First of all, I would like to say thank you for taking this opportunity to address the issues at a very, very concerned to Native people, indigenous peoples of this land. The International Indian Treaty Council (ITC), a United Nations nongovernmental organization with consultative status to the United Nations Economic Council since 1977, is pleased to attend this public hearing on Native American issues. A written copy of our presentation will be submitted to you as soon as possible for the record.

American Indians are experiencing a cultural Renaissance. Whole communities are rising up, revitalizing, and taking back their lives and destinies after 514 years, when terrorism began in this hemisphere. Indigenous peoples throughout the Americas are once again reclaiming their land, resources, and spiritual freedoms.

In California, for example, the mighty nation of northern California, who barely lived through the earliest militia period of genocide and colonization during the California gold rush beginning in 1848 into the 1900s, and sanctioned by the California government at the time, has restarted a ceremony not practiced in their territory in over 150 years, called, "Calling of the Salmon." It was held among the Yuba River near Nevada City, led by chairman, Mr. Don Ryberg [phonetic]. The spiritual gathering serves to guide the youth and the generations; that the rivers may flow once again for the health of the nation.

Here in the Bay Area, in the radius of the six-county region, sacred shell mounds of past Ohlone Nation discovered by and protected by indigenous communities. An effort is under way to identify sacred places of ancestors, and not allow them to be disturbed, studied, or removed. The public needs to be educated about respect for the dead, and to honor the living.

Today, October 12th, a federal date of recognition for Christopher Columbus and a state holiday, is a disgraceful gesture and an insult, to say the least, to indigenous peoples of the Americas. Rescinded it must be. And it can begin right here in this room, with members of this chamber. To give honor or respect to this man, that creator of the big lie, and to declare that he discovered America, is like giving recognition to the likes of Adolph Hitler and the Third Reich. This distinguished body gives recognition and credibility to this terrorist period in time, knowing that what ensued was death and destruction. For millions and millions of Indian nations of this hemisphere, 1492 was the beginning of our Holocaust, the extermination of the American Indian.

The American Indian community calls this Commission to communicate to the Better Business Bureau, the Chamber of Commerce, and other business and commercial organizations, and discourage them from further promotion of the Columbus Day sales, and instead, join the new world community, and rename it "International Day of Reconciliation." Further, call on this body to help arrange meetings with the Columbus Day parade organization to initiate a discussion on

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how the occasion is seen from another perspective. Together, we can make a difference for other regions of the U.S., where this holiday is a dark reminder of a tragic past...Next week, the General Assembly of the United Nations will be discussing the passing...of the universal declaration for the draft of the rights of indigenous peoples. And I think that this City needs to also lend its hand in supporting the rights of indigenous peoples. Thank you very much.

Alberto Saldamando - International Indian Treaty Council (ITC)

My name is Alberto Saldamando, and I'm general counsel for the International Indian Treaty Council (ITC)... we have a copy for the Commission of the [draft declaration before the UN General Assembly]...adopted by the Human Rights Council this March...we see it as an advance for the rights of indigenous peoples. Although it's not exactly what we wanted, it does represent a minimum -- minimum standard for the survival of indigenous peoples. It took us over 20 years to negotiate it with the States. And the process -- that was unheard of before, where we actually in a working group negotiated with States. And actually, it was more like insisting; we didn't negotiate.

But that's the result. And we believe it to be a step forward, at a minimum. With regard to the Organization of American States, that has been a much more difficult process. The Organization of American States is not accustomed to dealing with nongovernmental organizations and indigenous peoples, but we managed to set up a process where we are, in fact, in the same room with them, discussing the various proposals by states.

We hope that this gift - this declaration - passes the General Assembly with the next several weeks that it will affect...the Organization of American States process as well. I'd really just like to talk about a little bit -- very briefly -- about the [ITC] and the American Indian Movement. [ITC] was founded in 1974 in South Dakota by the American Indian Movement, in order to take their concerns internationally. If you recall, at the time there was a great deal of oppression [that] had done its worse with Black Panthers, and had begun with the American Indian Movement.

We found a receptive voice at the United Nations - much more receptive than here. And unfortunately, even though now in the United States, despite efforts by some people of very good will, indigenous peoples, Indians are invisible. I think some of the testimony you heard already is that that frustration. Indigenous peoples apparently don't exist. It should be known that the Bay Area houses the third-largest population of Indians in the United States, primarily centered in Oakland, but here in San Francisco as well, as a result of termination and relocation policy in 1950 that was really to break up reservations and have [Native American people] move off the reservation [to] get a job.

The number of -- level of poverty among -- on reservations is very high. Part of the ridicule that Governor Schwarzenegger [articulates regards] casino tribes. Certainly it's true that there are casinos that do produce substantial wealth for their numbers. The fact is that the vast majority of Indian tribes don't have those casinos. They're out in rural areas, and they're pretty much marginalized. So we very much appreciate the hearing. We will raise issues about shell mounds. There are other issues we might want to raise in the future, and we appreciate you giving us this opportunity to address the Human Rights Commission. We thank you very much.

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Tony Gonzalez (KumKa' Ak – Seri Nation)

Thank you, and good evening. I'd like to thank you for this time. And our sister elder who spoke earlier about flags -- we would be honored to have a flag here and to remind everyone that the first flag was a sacred feather of an eagle. That was the first flag motion that we ever saw. And we'd like that placed here in honor of Indian peoples of this land.

Also the shell mounds... that we try to identify the shell mound sites in this area, and particularly, in particular San Francisco, and not disturb, have them disturbed. The United Nations has declared this as a decade for the world's indigenous peoples, and it includes transparency and cooperation. And in that regard, I'd like to thank San Francisco for inviting this Commission to conduct itself the way it is. And it sets a precedent for other cities across this country who are faced not only with the issues of Indian people, but the influx of Indian brothers and sisters, as was said, that are coming here, arriving from Mexico, and Central and South America as well.

How [are] the social services and the health structures set up and prepared for them? This is a good precedence for other cities to conduct similar hearings with their commissions on human rights and other bodies, the boards of supervisors.

I think what's needed here in San Francisco is a facility for Indian communities, Indian NGOs, Indian nonprofit organizations to be established in one central location. There are very few places. We have very little money to provide our activities and our advocacy. Social services are being provided through state and federal funding, but that's the extent -- so a facility for nonprofit Indian organizations.

And more appointments to Commissions, advisories, task forces, committees, and like that. And also perhaps a San Francisco city and Indian community joint Pow Wow. And maybe we can consider that for next year sometime in November. What we're looking for are solutions. So I hope that this talk and everything that was brought out is not just put away somewhere, but it is highlighted, and we're moving forward on these comments and discussions and recommendations. Thank you very much.

MEXICO, CENTRAL, AND SOUTH AMERICA

Santos Nic-Manzanilla (Maya) (Translated by Ms. Jane Edmonstone)

Ms. Edmonstone: He's happy to be here and have the opportunity to talk in the language of the Mayan Yucateca.

"Commissioners, brothers and sisters of other races and communities, I am grateful for the opportunity to appear before the Human Rights Commission of San Francisco. My presentation today will be in Spanish, and not in my first language, Mayan, because it was not possible to find someone to translate in that language.

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I came to San Francisco more than 20 years ago, but in the last five years, I have witnessed a wave of Native American and indigenous migration from Latin America to the United States. It is with sadness that I have observed how the economic devastation created by free trade agreements, together with political repression and discrimination, has worked against our people, and forced men, women, children, elders, and entire families to leave their beloved countries and risk everything in search of better futures in this country.

To cross the deserts of Arizona and New Mexico and walk for days, being persecuted and risking our lives and our families' lives is only the first of our problems. To arrive in the city and adapt to a dangerous and hostile way of life is a challenge that our brothers and sisters live with every day.

The way that you see Native American immigration and other issues are two things that are interwoven in our city. Today, more than 25,000 indigenous Mayans live in the Bay Area, and we believe that up to 15,000 could be found living in the City of San Francisco. Even though the pride in our glorious past has helped us keep our ties, in many cases, the drastic changes in our lives have caused devastating consequences. The booming hotel and restaurant business in San Francisco has opened its doors for our youth, who work long hours -- sometimes more than 14 hours-a-day and, in the majority of cases, without any medical benefits for them or their families, and without any guarantee that their workers' rights will be protected, and with the constant risk that they will be unjustly fired at any moment.

Our indigenous youth have been imprisoned because of their involvement with gangs. Victims of gang violence in the last year have included the deaths of more than ten indigenous Mayans from Mexico, who died in the streets of San Francisco. To this we should add all of those who return home at dawn after a long day of work and are physically and emotionally assaulted.

Similar to what happens in our countries, many of our youth who are imprisoned are not connected with the interpretation services and legal council that they need, and because of this, the level of justice that they receive is extremely mediocre. The mental health of our community concerns us enormously. The isolation and separation that we suffer in this country, together with the racism and discrimination that has victimized our youth for years, has marginalized our youth, and caused them to seek refuge in drugs, alcohol, and gangs. Depression, stress, and problems related to long work hours are part of our everyday reality.

While the immigration debate has focused on issues of access to services and on lifting linguistic and cultural barriers for those who speak Spanish and other Euro-centered languages, little has been said about our indigenous migrant communities and our linguistic and cultural needs, the ones that we face here in San Francisco."

Ms. Edmonstone: He says thank you for giving him the opportunity to tell his story, and to listen to his message from his Mayan brothers and sisters.

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Anna Perez – Central American Resource Center

Buenas tardes. Good afternoon to everyone, especially to our brothers and sisters from the south and the north of this hemisphere. My name is Anna Perez, and I'm the Executive Director of the Central American Resource Center.

As a representative of the Latino immigrant community in San Francisco, I'm here to express our deepest support and respect for the Native American brothers and sisters of the north. We also want to congratulate you, the Commission, for holding this hearing and hearing our concerns. We also want to thank the native peoples of the north for allowing us immigrants from the south, Mestizos, indigenous people, for being here on your land. We want to extend our gratitude also to the International Indian Treaty Council and to Tony Gonzalez's hard work and leadership in working with us immigrants to understand and to create links between North American Indian people and indigenous people from the south.

I was invited here today by Marcus Holy Old Man Bull [natoyiniinastumiik] who graciously accepted some of feedback press release sent by you all Monday. In the [Commission's] press release, some of the language that was expressed created for me some questions about the meaning of the words. The paragraph that I'm referring to reads, "With the national focus on immigration issues, it will be refreshing to address the complex problems facing the original and indigenous people of this country."

First of all, we agree that more conversation needs to be taking place about Native American issues, Native American rights, and that we should not wait for the La Raza or indigenous people's days to begin to talk about this. We believe that it's important to recognize that Native American people of the north have not been compensated for the displacement and devastation they suffer due to colonization, and that they continue to suffer due to colonization and racism.

We trust that the intentions of this Commission were honorable. And we know that you in any way did not intend to create any animosity or any competition between the Native American people and the immigrant people of this city. Native American rights and immigrant rights are deeply linked. A good number of indigenous people that are immigrants that are coming here to San Francisco are from the south, like Santos expressed. They come from southern Mexico, from Central America, from South America.

In Mexico alone, there are 51 native languages that are spoken; in Guatemala, there are 21 [languages]. Indian people from the south become invisible in San Francisco. This is partly because when we take the Census, we ask, "Are you Latino? Are you Native American?" But we don't ask to go into the details about what "Latino" means. Latino is both a cultural term, but also a term that expresses, that encompasses, that brings within it the issue of race. So, by not asking Indian people, and by not giving them the opportunity -- indigenous people from the south to self-identify as indigenous, what we're doing is that we're letting these folks drop right in between the cracks, not being able to have their needs addressed by the Native American community nor by the Latino community.

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And, in many cases, just the term "Latino"...as a Mestiza, or even as a white Latino...white Latinos are seen as the enemy; the folks that have been oppressing native people in the south for many, many decades. So in many ways, Indian people from the south are right now reliving a wave of colonization through free trade agreements that are signed and implemented at the federal level. All these agreements are pushing Indian people far from their lands. NAFTA [North American Free Trade Agreement] alone put 1.3 million campesinos, indigenous people out of work.

So where are these Indian campesinos right now? You know they're right here on the streets of San Francisco. Indigenous folks from the hemisphere have also been working for many, many decades to build links between northern indigenous people and people from the south...[Such as] the border summit that happened a couple of weeks ago. Many indigenous tribes from the north expressed their appreciation, and their objections to building walls, and their support of immigrant rights in the U.S. Also, the 500 years of resistance movement that has been happening for a long time is a way that indigenous people have been linking each other in each other's struggles. Here in

San Francisco, Native American leaders from the north are working to support these new communities of indigenous people that are immigrants from the south. These folks did not ask to be displaced. They did not ask for lands to be taken. [The] taking of their land and their displacement has to do with U.S. foreign policy and economic policy that puts people out of work and takes their land.

So, in light of all the work that native people have been doing - both native people from the south and from the north - we really want to make sure that government agencies, Commissions like yourselves, have a deep understanding of the connections that we have as a people. For us, this misunderstanding or this need to understand is also about appreciating and including all native and indigenous people that are represented here in San Francisco and in the Bay Area.

It would be tragic...if in your efforts to support the needs of one Native American community, we make invisible the existence of another Native American community.

We want to call you to press City government for an initiative, and to direct City departments to survey this growing community in the city of Native American people from the south. As a service provider, it is crucial for organizations like the Central American Resource Center to understand and to know how many native people from the south are here, how many languages are represented, [and] how many nations are represented in this city right now. We must understand their needs, and we need to embrace a new way of providing services to this community.

We also want to welcome the City government to become partners with community organizations like Edison, to be able to identify new resources, to be able to support these new emerging communities. We want to support the International Indian Treaty Council's call for the Human Rights Commission to engage the Columbus Day parade leadership and leaders from...indigenous peoples of the north to come to a dialogue and understand why honoring him is very painful to Native American people of the City.

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And I want to end by quoting C. H. Peters, a Sunni leader and a representative of the Seven Generations Fund, "Falls and violent borders have been imposed upon many peoples upon the land, dissecting our mother earth and our home continent in two, in attempting to sever deep connections with the land and with each other. We maintain a recognition and respect for all indigenous brothers and sisters of the Western Hemisphere with whom we traded, we learned from, we loved, we laughed...We are indigenous of this mother earth called Turtle Island, Middle Planet, the Fourth World. We remain bonded together forever, knowing ourselves as the Kiche and Karuk, the Sarawa (phonetic) and Cheyenne, the Cherokee, Chicano, and the Chumash. We are all relations." Gracias por la oportunidad con ustedes. [Thank you for this opportunity with you.]

GOVERNMENT

Andrea Bruss – Mayor’s Office of Neighborhood Services (MONS)

Hi. Good evening, Commissioners and all the community members here. My name is Andrea Bruss. I currently work in the Mayor's Office of Neighborhood Services, primarily doing constituent and neighborhood work with Mission, Portola, and Bernal Heights neighborhoods, as well as Latino communities city wide.

I'd first like to start off by just thanking this Commission as well as all the individuals sitting behind me. As a resident of San Francisco and a representative of this administration, and as a native woman, I would just like to stress my thanks and gratitude for this long overdue and necessary committee hearing that we're having here tonight.

Recognizing both the complexity and the importance of many of the issues that have been raised here tonight, Mayor Gavin Newsom has, as of today, appointed his Director of Governmental Affairs to lead a unique policy discussion just on Native American issues in the City and County of San Francisco. This will be open to anybody who is willing to participate. Recognizing that the City does not know all it should know about many of these complex and historically culturally pervasive policies, he found it important to designate somebody who would be able to work with the community to independently sit down and address a lot of these issues that have been raised here tonight, both to better educate the City, and – as well as to encourage them on how they can better meet the needs of this population in our community here.

So with that said, we're hoping that many of the speakers here tonight will participate. And if you have any further questions, you're welcome to contact myself or my office...and, Mayor Newsom wants to stress that Native Americans deserve and need a voice in the City and County of San Francisco. And so hopefully, through a more designated and independent discussion on many of these complex issues and needs...we can better address and better meet the needs of our community members here in the City. So thank you.

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Eugene Flannery – Mayor’s Office of Community Development

Good evening, members of the Commission, members of the community, and members of the Native American tribes that are represented here. My name is Eugene Flannery. I work at the Mayor's Office of Community Development. And I'm here tonight to bring notice to representatives of Native American peoples that we are engaged in a negotiation with the Advisory Council on Historic Preservation and the State Historic Preservation Office that may and most likely will affect cultural and historical resources of your peoples. And on Wednesday, we're holding a public hearing with Landmarks Preservation Advisory Board regarding that programmatic agreement. And we ask and urge you to attend this hearing, to contact me, and to participate in the negotiations of this discussion.

When Ms. Sayers contacted me several weeks ago, regarding this programmatic agreement... I made outreach to descendants of the Ohlone [whom] we were able to contact through the office of the Native American Commission in Sacramento.

[Ms. Sayers] brought two concerns to my attention. One is that Native Americans are always left out. And I'd like to assure you that it is our intention not to leave you out of these discussions. And we invite you to participate in them. And I'd like to also say that this is not an empty promise. And I know that you've been given empty promises before, but please accept our invitation and sit at the table with us. Secondly, she asked that we pay particular attention to the possibility of disturbing the remains of your ancestors. And to do that, we'd need you to participate in these discussions.

So the hearing is on Wednesday [October 18, 2006]...I would like to speak briefly about [the programmatic agreement] and its background. The Community Development Block Grant [CDB] and the Emergency Service Grant programs are programs funded by HUD [the Department of Housing and Urban Development] primarily intended to benefit low-income persons. As the recipient of those funds, the City and County of San Francisco represents [HUD], and stands in their shoes for the responsibilities under the National Historic Preservation Act and the National Environmental Policy Act. An integral part of those laws are that Native Americans be consulted in regards to any programs that may affect your cultural and historic resources.

So, [with] the CDB grant...we give money to nonprofits to help people who are poor. We provide public service money, economic development money. And what would affect your peoples would be capital grants for the renovations of public facilities, such as giving Walden House money to make a bathroom accessible.

There are some instances when we might just serve services, where issues related to your people would arise. So this is a very technical document. And I apologize for that, but that's necessitated by the nature of our government and our bureaucracy. And I'm going to leave copies of it here. Ms. Sayers...has a copy of it. I also leave copies of the notice for the public hearing on Wednesday.

My phone number is on this notice. And the document can now be accessed on the Mayor's Office of Community Developments web site. And, with that, I thank you.

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PUBLIC TESTIMONY

Atta Stevenson (Cahto)

Good morning or good evening. My name is Atta Stevenson, member of the Cahto tribe in northern California. We live below the valley of our creation stories. We have petroglyphs that bear witness to how we live today and all the wrongs that we stand for, and hopefully be aware of witness to things that we are good for, too. I want to talk today about lack of law enforcement...regarding Native American women...Native American women in California - 72 percent are offended against [repeatedly] and [experience] violence against [them by] nonnative men. Seventy-two percent. We do not enjoy the same civil rights as nonnative women in California.

Our children in the eco program have also substandard [treatment]. They do not enjoy the same adoption curriculum of criteria that a nonnative child may need to go through. They don't enjoy those rights. I wanted to also talk to you about disparities in California Native people here. We talked earlier, some of the folks. We talked about regarding urban health. And I'm a rural person, but every one of us stood and wrote to Congress and people here in California, movers and shakers, to support urban health plans, because they are our people. If they have chronic illnesses, where will they go on their last days? They won't come home to rural California. We're not equipped for their health needs.

Whether it be AIDS, HIV - those things we don't have the capabilities that are so dearly underfunded here in San Francisco; but I also wanted to talk mainly about the costs of health care. Who is providing that? This Commission has a right not only to listen, and we really thank them for listening to us, but also to send written comments of support to our tribal people, and say not only [do] we welcome you into these public hearings, but this is your way to get involved. The door has been shut so darn many years, we don't know how to act here. We...talk among ourselves, but it means very little when we don't have the funding resources to do something about it. But today I wanted to thank you for allowing us here and to come forward and always to know that traditional medicine is the power of prayer, and hopefully that we will take part of that with us.

Mary Jean Robertson (Cherokee)

Hi. Thank you very much for calling this public hearing. It is way overdue. And I just wanted to...respectfully acknowledge that the Human Rights Commission is one of the few Commissions that has a Native American member on it. Pat Norman is Muscogee/Creek. And I want to thank you for participating as part of this table discussion. I also want to thank all of the Ohlone people who are here and participating, because all of us who are here in this building are living and working and existing on their land. And it's really important to recognize that.

I moved to San Francisco in 1969. I went to San Francisco State. I started working with a radio program called "KPOO Radio." They're the ones that did the Board of Supervisors hearing for a number of years. And I've noticed something very interesting. We're not just homeless individually. We're homeless as programs. We had the American Indian Arts Workshop. The Native American Cultural Center is a homeless program of the Neighborhood Arts Project.

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You know, the Mission Cultural Center, the Bayview-Hunters Point, the Western Addition, Kearny Street Workshop all have locations. The Native American Cultural Center has no location for its workshop. The American Indian Contemporary Arts once had a building here in San Francisco where they had a wonderful gallery for people and artists of – modern art and modern areas, to show the American Indian artists are currently doing artwork. That had to close down because of the skyrocketing costs. And it's not the only organization: the California Indian museum on the Presidio. The public library has no American Indian room. And there is no center for Native Americans in San Francisco. So it is the programs that are homeless. Thank you.

Alexandra Monk (Metis)

Good evening, brothers and sisters, elders, Commissioners. My name's Alexandra Monk. I'm an HIV research scientist at the University of California San Francisco, and am here to speak both as a human research analyst and as a Native American.

First I'd like to say that every danger associated with HIV has taken place in San Francisco. And it's especially devastating to a community that is constantly in transition, like the Native American community. I'd also like to point out the impact of HIV/AIDS. According to the CDC, HIV/AIDS is still unchecked, and has the capability of wiping out Native Americans in the 21st century. So... if you can, can you imagine the shock that we felt when we heard that?

The Native Americans in the studies I work on, all of [the participants] are HIV positive. All their lives, access to services that are culturally specific... once they come to San Francisco in search of services, and especially Native medical services... these are the agencies which make a difference in the lives of these people, especially to Two Spirit people, who have no real safety net.

And I'd like to say AIDS is a metaphor for a lot of things. We've heard that before, but AIDS is a metaphor for a disunity. And we Native Americans need a cultural center for all Native Americans, Native Alaskans, Native Hawaiians, Aleut, to come together, to meet, be welcomed by the people of the Bay Area and to welcome each other as we come to San Francisco, old and new friends alike.

Like I said, often, however, we have no safety net. And right now we have nowhere to go as Native Americans. Since San Francisco has always served as a haven, as a shelter, and especially in modern times, as a city where wisdom and generosity can be imparted, I'd like to hope we can have a Native American cultural center, so that wisdom and generosity can be imparted to and from each other. Thank you.

Wounded Knee (Miwok)

Greetings. First of all, I want to thank my sister, Corrina Bolt [of the] Ohlone people - this is their territory. My name is Wounded Knee. I'm a Miwok. My mother was born on the Tuolumne reservation in Tuolumne, California. She was taken from her home when she was five years old, to boarding schools. Her culture was denied, her hair was cut, and her religion was taken away from her. And they did other things which we know they did to my mother in those boarding schools; what these Catholic priests had done to these little children.

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I come to you tonight to deliver a message about sacred sites and burial sites. No sacred or burial sites should be desecrated. There are many, many sacred and burial sites in California. For example, the Pit River Nation is under attack by Calpine. The woman we went to [see] is fighting to protect the river from being flooded by 18 feet of water.

The Glen Cove sacred burial site that is 3,500 years old, dating back to 1500 B.C. - many, many California tribes traveled through that area. For example, the Bay Miwok, Coastal Miwok, the Wappo, the Wintun, the Patwin, the Ohlone, and the Yokut - they came on their tule canoes...to do their ceremonies and, through their ceremonies and cultural dances and other cultural things, had the sacred burial site.

But I come to you tonight and challenge this committee. What are you going to do? We have been promised through many, many treaties - 369 treaties. In each one of them treaties, they gave us rhetoric, jargon, and semantics. I challenge this committee tonight. Can you support us in protecting these sacred burial sites of our ancestors?

So I ask you again. Can you please write a letter to the Vallejo Intertribal Council in support? Challenge you to protect the Glen Cove sacred burial site. I will give you my card. And I want to thank each and every one of you. I want to say one more other thing. Native American people let other people come into these cemeteries because you've got to remember there was racism and discrimination and prejudice. Asian people were brought in to be put in these cemeteries by Indian people. So I ask you to support us in our struggle to protect these sacred sites. It is time to put a halt to it. Enough is enough. So I will give you my card. And I'll be expecting a letter from you. I challenge this board tonight. Thank you very much.

Fred Short

My name is Fred Short. I am an American spiritual advisor for the State of California. I came here tonight in support of all of the issues that help in making things better. And I'm thinking some of the words that were said to you; that these are different funding requests that they're looking at generally the possibility that they're able to do...

I started getting into the active field in '71. I'm one of the teachers to bring back our traditional ways and knowledge, and also a traditional healer. I've been on a Spiritual Commission for the State of California; signed treaties of the Department of Corrections to help that the American Indian Freedom Religious Act.

So the things that our people need now, [as] I'm sitting here listening to them, I feel pretty good. A lot of these speakers...because they're older... [over] the last 30-something years...we have people now with M.D.s.

...Hopefully they continue getting these things that they're asking for, and in bringing in people like us, bringing in the elders, bringing in the people...that don't have these other teachings. I don't understand and I don't want to anymore. And since '71...over half of my life now, I've lived as an Indian. And I placed the eagle's staff up there with our bear [indicating California State Flag]. We



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are friends with the bear. We're not friends with the other flag [indicating the United States Flag]...because you know the history. And the people here...they continue now to experience what you're listening to. And the desires and stuff - these are the places we need to come to present that knowledge. So I hope you will listen to them.

Those walls for our brothers and sisters -- they should come down, too. That's what this is for, too. They have their relatives here. You know, there should be a better way of handling things like that than there has been.

Larry Bringing Good (Cheyenne/Arapaho)

My name is Larry Bringing Good. I'm a Cheyenne Arapaho Indian from Oklahoma. I've been here since 1958. My mother came here in the Indian Relocation Program. She's no longer here. My uncles, aunts are no longer here. They're all dead. They all went back. The ones left here, the people left here now - they have nowhere to go. They're Native Americans that have struggled, that have been here; but a lot of them -- they're not federally recognized. They don't have resources like the tribes do back in their communities.

So there's a lot of people here left with no basic human rights: the right to have teeth; the right to have eyesight; the right to walk on the streets healthy; the right to have medical care for young children and old people. There [are] a lot of resources here. We ask that you listen to our Natives.

And I respect the Ohlone people that are here. This is their land I'm walking right now to help them protect their sacred sites. Months ago, I was sitting out in that lawn, drunk, because I had gone across the United States from San Francisco to Washington, D.C., and I'd seen all the devastation, all the misappropriation of funds that were given to help people survive natural disasters. Our mission across there was to promote paying attention sacred mother earth. Pay attention to the environment.

From there, I went to a world peace conference up there, and I found atrocities that happened up there. I came back here, and I was a lost man. I thought: what the heck? I was out here with these people out here, my brothers out here, drinking on the streets, who gave up hope. I was willing to stay there with them, but something - a higher power - get out of it. Got back to Stockton, where I can come here and stand behind.

This place...reminds me of Roman columns. We all know what happened to that place. We're not here to talk about that. We're here to talk about protecting ourselves and living together in harmony and peace together...we had a ceremony the other day. There...were the four colors of people - the red,

yellow, black, and white - at one of our sacred sites, promoting and talking about peace and harmony and love together on this mother earth. It's not [just] Mother Earth we're going to destroy. We're going to cause our own destruction unless we can get together and work together. Some of this thing can start here, right here in San Francisco. A lot can be done. Thank you.

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Morrigan Shaw (Tlingit/Haida)

My name is Morrigan Shaw. I'm a member of it the Tlingit and Haida Tribes of Alaska, some 600 of whom live here in the Bay Area I'm also a student at San Francisco State University's Student Council of Intertribal Nations.

One of the speakers brought this up. I want to discuss briefly the glorification of Christopher Columbus in the U.S., and specifically the Bay Area. Every year in San Francisco, there's a parade celebrating Columbus. And in the City of San Francisco, there's a Christopher Columbus Street, and it's a main street in North Beach, glorifying him as a hero in the park - the message being given to children, both at the park and in the public school systems.

In reality, the policies implemented by Columbus resulted not only in the enslavement, torture, and death of millions of Indians. It also set the foundation for legal and social policies regarding Indians still in use in the U.S., Mexico, and Canada. Additionally, holding Christopher Columbus and his deeds up as commendable not only causes mental harm to members of the indigenous community, but also encourages public incitement of genocide, and implies complicity after the fact.

It's important that all events, images, representations glorifying Columbus be removed, as they are especially inappropriate in public settings. And, there needs to be a more accurate, complete history of Columbus being taught in public classrooms from kindergarten through high school, and even in college-level courses. That's all I have to say.

Tomas Reyes (Yaqui)

Thank you very much. I don't know if I'll be able to finish what I have to say before [the time is] gone but I'll try my best. I have to thank the Ohlone people also for allowing me to be here on their land all this time that I've been here. I want that thank you for allowing me to speak before this Commission also.

I am Tomas Reyes, and I'm not originally from here. I'm from Fresno, California. My people are from Mexico, on both sides. And I'm currently looking into my own past and ancestral lines and so forth. So as far as I know so far, I'm Yaqui Indian from Mexico on my father's side. In any case, I first came to San Francisco in 1959, a different person, than I am today. I'm 62 years old just two or three days ago. I am also a retiree from the City and County of San Francisco; took an early retirement less than two years ago. And I mentioned that because I kind of see that this is an entity of the City and County of San Francisco. And having spent... a number of years working for the City, I kind of think that it kind of fits in with what I'd like to say.

In any case, I came to San Francisco in 1959 as part of the band, to Kezar Stadium, to watch an East/West game. I was in the high school band. In any case, I stayed in Fresno until maybe 1980. [I] came here to live, finally, after visiting and, of course, coming over here, like many people do, to visit. I just wanted to say that the Bay Area has done a lot for me. And mainly, it has introduced me to the Indian world, and the identity that I carry today. And it has put me in touch with my ancestors and my own cultural heritage. I mention that because...it has to do with respect. And it has to do with how we see ourselves living in this world.

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Five hundred years is really not a long time in terms of historical time. It's just a very small bit of history. And you have to understand that people here have been here for thousands and thousands of years. The Ohlone people were here before San Francisco, long before San Francisco, and are still here.

I'm going to forget about most of what - some of what - I was going to say, other than that everything we enjoy here comes from the ground. Everything here came from the ground, from this earth, from this part of the planet. And I was taught a long time ago in my family that when you're in somebody else's home, you're supposed to be on your best behavior; your best behavior when you're in somebody else's home. And this is still the home of Indian people, primarily. At

least, that's the way I see it. And I think that somehow, if we're going to have a common future, you know, based on respect, we have to come to terms with what this world really is, and what it represents to Indians. And you have to really try to understand what the Indian world is really like, and don't. Thank you very much.

Roberto Aria Vargas (Aztec/Chicano)

Good evening. [Thanks to] Creator, for allowing us to be here today. Secondly,...thanks to the Ohlone folks for allowing us to be here in their home. And thirdly, thanks to the International Indian Treaty Council, Tony Gonzalez, for inviting us from the Azteca Chicano community, which I represent, of which I am a member...I should say my name is Roberto Aria Vargas.

As a member of this Chicano community, I'm here to support many of the words that were shared by the many Native peoples here in the Bay Area tonight, very strong statements about the needs of our communities in order to preserve our culture. And I'm here to actually make another one of those very modest requests. As one of our sisters here said tonight, we do have some very modest requests to make, in addition to the powerful requests that are necessary.

Some of those modest requests I believe to be modest are reiterating the need for ceremonial space. We often have a challenge in finding space to have ceremony here in San Francisco. The Azteca Chicano community - you may know many of us as Aztec dancers - we have a difficult time finding space at no cost to have our ceremonies. We have ceremonies throughout the year, giving thanks to the corn, rights of passage for young women into womanhood, giving thanks for our elders, giving thanks for mother earth, many different ceremonies throughout the year.

We often have a hard time getting permits for space, finding spaces where we can park, or finding spaces where we can burn smoke, sage, copal, cedar, and other things, without the neighbors complaining about fire alarms going off, sprinklers drenching us. And, we often get complaints conveyed to us by the SFPD because of our use of drums, our sacred instruments, and prayer.

So I encourage you all to push the City to make sure that we all have ceremonial space available to us throughout the year at no cost, whether it's parking without complaints from the police department, until we do have a space built for us by the City, where all Native peoples can have ceremony and [can] convene ourselves. Thank you.

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Kenneth Harper (Cherokee)

Brothers and sisters, my name is Ken Harper. I was born and raised in the Richmond District of San Francisco, and attended St. Ignatius College Prep, and U.C. Berkeley. Most important, though, is I am an enrolled and voting member of the Cherokee Nation of Oklahoma. I currently work with the San Francisco Study Center, and reside in the Sunset District.

Unlike other minority groups in the United States, American Indians have a unique identity that is characterized by not only ethnicity and culture, but also by a unique political identity due to their citizenship within sovereign Indian nations. I believe this fact and its consequences are often overlooked, and it has detrimental effects on our community.

In my experience, I [have] often seen people chosen to fill roles because of their purported identification as Native Americans. More often than not, these individuals...are not members of federal or state recognized tribes. And I think that is a problem to be greatly concerned about.

In California, the issue of federal recognition is complicated, because many California tribes are in the process of federal recognition. Nevertheless, for people who claim to be members of tribes outside of California, the issue is pretty clear- to be considered American Indian, a person should be a member of a federally recognized or state-recognized tribe.

This would be not so important an issue for me. However, in my experience, I have seen many individuals who are not member of federally recognized tribes abuse their self-proclaimed Indian identity to espouse their personal opinions and, in the process, damage the Indian community. I might sound like a legal -- this is very legalistic, but I come from a long line of legal people. My great-grandfather was a tribal judge in a court in the Saline District of the Cherokee Nation. To not recognize the validity of the process by which tribes say who they are and who are their own members is to violate the very principles of cultural competency when it comes to the understanding of American Indian communities.

... I wish that we could propose some sort of solution to this. And that is when you guys are choosing people to represent Indians on boards and commissions and stuff, look into their backgrounds. Ask for references. Make sure...that if they are not members of federally and state recognized tribes, that they have references in the Indian community that shows their connection. Otherwise, you're going to get people not representing the true interests of our community.

Lastly, I think that when you discuss what services should be provided in the city, you should understand that elders are really important in our community. And there should be more services for elders. And I hope...that some of the testimony that follows me or...comes up in the future will address what it actually means to have anti-Indian policies. Thank you very much.

Frank Kellum (Choctaw/Chickasaw/African American)

Mother earth, Great Spirit, Mystery of Mysteries, we thank you for bringing all of you, sisters and brothers, together in this process here tonight. My name is Frank Kellum. I am from the Choctaw and Chickasaw tribes in Alabama. I'm also part Native African American. I grew up in this city.

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I have been very hurt here tonight. I want to talk about three things. The first thing that has hurt me and my ancestors: you spell Ohlone O-h-l-o-n-e. That's how you spell it. Now I'm going to beat you up. It is your duty and your responsibility when you're going to work with a cultural group that you don't insult them. You just sit here and look at that all night on this screen. Okay. Do you hear me? I'm talking to you. That's the first thing I want to talk to you about. [Indicating misspelling on captioned video broadcast.]

The second thing I want to talk to you about; I'm hurt. I'm very hurt. I'm from San Francisco State. I am a member of SKINS. That is the Native American group out there. We go up to Lake Merced. We walk around the lake. We burn sage. We pray to deal with the madness at San Francisco State. What the City of San Francisco saw fit to do was take a statue of a Conquistador from Dolores Park, and bring that out there and put it up on an Ohlone site. And that cost \$2- or \$300,000 to do that. I called the Park and Rec; [and left a message about] who I am; what I want to talk with them about. They didn't even return my call. They didn't. That was a second thing I wanted to talk with you about.

The third thing is a mural. We are trying to erect a cultural mural to the Ohlone at San Francisco State. The president of that institution saw fit to put a moratorium on the mural, without explaining to us what he was doing. I would appreciate it if you look into that.

I close with this Indian prayer. Walk with beauty. Walk with beauty in front of you. Walk with beauty behind you. Walk with beauty all around you...All of you have a wonderful night.

Perry Matlock

I was born and raised in San Francisco. I've been a volunteer with the International Treaty Council (ITC) since the late 1980s. You have heard Jimbo Simmons and Alberto Saldamando. They are directors of -- I'm a volunteer [for ITC]...I also volunteer for the Vallejo Intertribal Council, and Indian People Organizing For Change.

I want for the record to know that I am a volunteer. I'm not a spokesperson nor a representative. Nonetheless, an issue I want to address is: I think it's an act of terrorism, it's a hate crime, that the cultural legacy of the ancient monuments, the funerary people Muwekma Ohlone here in the city and county of San Francisco are treated like obstacles. Set it on fire. Rip it to shreds. Why is it that their gravesites, just a few acres of land, cannot be left alone and preserved?

I have backpacked in Britain. And I have seen these ancient stone circles and gravesites of the sacred white people, the ancestors of most Europeans. And they are well protected and preserved. Here, where are the ancient monuments? They are under landfill and under concrete. I ask the Human Rights Commission immediately to make a policy that all Ohlone cemeteries, all cultural sites be given immediate protection; that is, that they are under a building.

Once that building is demolished, no building replaces it, and that area stays preserved. Even if it is a ruin, it is still must be preserved; that absolutely no construction ever occurs on top of, near, or on or about any shell mound, any gravesite belonging to the native people of this city. If you do so,

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it is a hate crime. It is an act of terrorism. And you all know that. If someone were to do this in another country, it would be considered an act of war. It disgusts me as non-Native person to see something like this going on, brings me to tears, brings me to anger and hatred.

You must preserve these sites. Make it a priority that no more shell mounds and Ohlone gravesites are ever destroyed or covered over. You must also consult with the Muwekma Ohlone Nation, not the most likely descendants. You must consult with the Muwekma Ohlone Nation in regard to how these sites ought to be taken care of. They are their cultural treasures, their cultural legacies. They belong to them. Once they are gone, it's like ethnic cleansing. Stop ethnic cleansing. You can do it right here in San Francisco by making it a policy, by using eminent domain, taking these sites from the private sector, putting them in a trust for the native people. Thank you.

Marcus Atkinson

Hi. First I'd just like to acknowledge the Ohlone people and all the other native people here. I've only been in this country for about four days. I'm from Australia. And I came over to take part in the shell mound walk. And I've been over here many times over the years, taking part in different walks, and a lot of the times in solidarity with native people throughout the country.

In just the last few days, going down to the shell mounds and seeing what's happening there and the development that's happening there, like -- it is something that's happening all around the world. And there needs to be someone who puts a stop to it. And San Francisco has the opportunity to do that.

There are a lot of things happening all around the world. And that's part of the reason why I'm here: - because it is all connected. In Australia just a month ago, there was a huge area of land given back to the indigenous people over there, which actually included part of Perth, which is, like, the capital city in western Australia. So it's not something that can't be done. It just takes some courage. And I hope that the City of San Francisco has the courage to do that, and that it's not just going to use this Human Rights Commission as kind of like we're doing something, but then nothing comes out of it.

Like you all need to put pressure on the City to carry through what's right, because you are a human -- like that's what you're doing. You're not there for the rights of corporations. So you have to stand up to the City, and the corporations that put pressure on the City as well, and make sure that it is the human rights which you are protecting. Thank you.

Michelle Lee

I'm Michelle Lee. I was born in California, and I've lived in San Francisco for 21 years. Most of all, I'd like to thank the American Indian people here who are come to these chambers. In a way, it's like coming to the colonial government -- center of a government that doesn't recognize the sovereign rights of Native nations.

I recognize this as Ohlone territory. And I request that the Commission put your efforts into convincing the government here that this is Ohlone territory, and that all their sacred sites be protected and returned to them immediately.

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Another thing that I'd like to mention -- I'm a public schoolteacher here in San Francisco. And I'd like to support all the recommendations of Andrew Jolivet. In particular, I would like to see American Indian people, particularly the Ohlone people, be paid to develop curriculum and train San Francisco teachers to appropriately teach our youth the ways of their people. And I think that in this time, we really need to thank the American Indian people, and particularly the people here, the Ohlone people, for the knowledge that they have managed to help survive and are carrying on. And that this may be the way that we can save the planet that our culture has done so much to destroy. Thank you very much.

Kay Riley

My name is Kay. I'm from Australia. I also came over here for the shell mound walk, and to participate in the walk this year. I was over last year, and I just want to, before I go further, acknowledge the Ohlone people as well as the native tribes here today that have spoken.

And one the reasons why I've come over to walk is to respect and to honor the Native people here in San Francisco, but also around America and around the world, that are facing the same situations here as what you've heard tonight from all the people, going on about the stories and that; but I urge you to -- listen to the stories and participate with the Native people of this land, and to learn their history and to learn about their culture, because the shell mound walk is really about raising awareness; not only raising awareness, but to deepen our understanding of the history and what's happened here to the Native people. And it's really sad to see their culture being destroyed.

The shell mounds are a part of their culture. And they're all around the San Francisco Bay Area. Last year I learned that, you know, here we are in San Francisco, and it's built on sacred sites. And we need to save those remaining ones and protect those sacred sites for the Native people to continue their culture. We learned from them. They are the people that we can learn from. So I really urge you to listen to their stories and to go out into the streets and to be with the people that know this land. Thank you.

Nancy Delaney

My name is Nancy Delaney, and I have a question. Are we willing, as a society, to build our dreams on the death and destruction of a people? And I have learned -- I had to go way out of my way to try to learn California Indian history. And...I learned about how this city was built because of the Gold Rush, because all that gold was gathered, and it was brought here for the banking. And then all the people that were killed because they lived on a river where people wanted to mine gold.

It's my belief that every person that lives in San Francisco, child and adult, needs to know the complete history of what has happened here in California, because otherwise, we're just assuming that European culture -- like I was thinking about the houses that the land told people to have here; the houses made with grasses with rushes. And then we look here. Now this is the result of an empire in Europe; right here, this hall. This language I'm speaking, it comes from another colony.

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And we don't have [awareness] when we're interacting with each other, so there's this enormous disconnect of being able to respect Indian people, and in particular, the people that were almost completely removed from this area so this European culture could go. And we just go blithely on every day. And we need to have...in our education system, in our public media -- we need daily reminders. We need to wake up everything morning and think about where we are and how we came to be here.

And I'm not talking about blame. I'm talking about living here consciously, with respect. And that especially means about places where people were buried, all of the ancestors, the families who were murdered so that this culture could be here. These people have the right as much as anyone ever anywhere to have -- to leave their burial sites totally alone, and for people to become aware that there are teachings from this land that we don't even dream of in this Eurocentric culture that we're taking for granted.

Sydney Madsen

Good evening. It's hard to know what to say. What I've heard so far has been very modest proposals. And maybe I could just add a little context.

I think our challenge here in this country is to decide how, as an imperialist nation, we're going to turn ourselves around. And I propose that we ask the Native people: do you want us all to go home, or can we all figure out a way to work out to live in peace, where everybody has the basic necessities?

When I have to listen to an Ohlone friend of mine say she has no property... I can't keep hearing that. Things have to change. And when you have our -- Senator Feinstein's husband, who has so much property, and all of the other people who -- Realtors and property developers who have so much property, how much of that should they give back to the Indians? Thank you.

Rick Bowman

Thank you. My name's Rick Bowman, and I am a student at SF State. My mind was full of a lot of things to say. There certainly is a lot to say on this issue, but I'm going to go with what my heart says. And where my heart has led me is to just this very meeting here. I think that there is a lot of injustice.

And there's a lot of heartbreak that has happened and is still happening. And hearts have a great way of being compassionate. And also they love to hear the truth. And, that... my heart beats right now quite rapidly. I think that there is not enough education and not enough truth going on in the public schools. And it would be very wise and a very just thing to do to teach the truth and to do some justice and to heal some broken hearts. Thank you.

Francisco De Costa

My name is Francisco De Costa. And what I want to state to the Commissioners today is that this land that you know as San Francisco belongs to the first people of this area, the Muwekma Ohlone. And I have some documentation over here that I want you to read.

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...At Hunters Point at one time, there were two hills. Mostly, wherever there were hills in this area, there were sacred shell mounds. These sites are very sacred to the first people. I want to welcome my friends, Wounded Knee and his followers, that have walked from shell mound to shell mound, to bring to our attention the respect that we have to pay to mother earth. This is very important.

Some years ago, the Human Rights Commission passed a resolution respecting the first people of this area. For your information, the Board of Supervisors three times unanimously passed resolutions respecting and honoring the first people of this area. We thank them for that.

Commissioners, I hope that even though you're going to hear the first people of this nation, that you will respect their wishes through some sort of resolution, because it is pathetic, but it's a reality that the white man loves documentation. So if we have this documentation, maybe future generations will remember that we gathered here in Room 250 in City Hall and tried to convey to the Human Rights Commissioners a message to respect mother earth, the shell mounds, and most importantly, the spirit. Thank you very much.

WRITTEN TESTIMONY

Catherine Herrera

I am writing to submit a short statement for the meeting this afternoon...I hope I have provided the proper salutations to the respective representatives at the event.

To All My Relations, Honorable Anne-Marie Sayers, Honorable Mayor Gavin Newsom, the Honorable Board of Supervisors, to the seventh generation - mine and yours.

Today when you have come together to listen to the diverse voices that are the Native peoples of the land here, I ask you to hear another expression that comes from a past forever and unforgettably etched in the very land upon which we all stand today. I am next to you, in the present, with a sense that I am now equally as dependent on unity as the air and water we need to live.

I ask today that you become a city filled with the courage to reconcile a past to heal our present. Acknowledge the Ohlone people; in our discussions of history, let's be truthful; in our discussion of progress, let's be inclusive of Mother Earth, and to those who are among the ancient people who knew the earth before technology - just as your people also knew the old truths - for I believe it is here where we can walk on common ground; in discussions of art and culture, hear our songs and respect our dance as our way of life, and offer one small branch which can provide a great healing: recognize our right to access the natural elements and resources that are the backbone of our ceremonial and community life. Lastly, in our tradition we are taught to never forget our elders and in honor of the wisdom that I am so grateful they share with us today, I ask you to consider granting land upon which our community, our elders and later, our children may always have a place to rest their heads until it is their time to cross. Thank you.

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Alice Langton-Sloan

I am writing on behalf of my Native American Family and the many families that have been disenrolled, terminated, reclassified, placed in moratorium, and banished from their tribes. However I am writing to you as a non-Native American citizen.

When I met my husband I fell in love with a man who cherishes his family, hold strong his tribal heritage, gives his commitment to his community and his strength to preserve his tribal culture and identity. When he spoke of the old ways, he spoke of stories told by his elders and related them to present day events. He speaks of the struggles of growing up in a world where isolation and racism was not uncommon, yet he continued his education throughout college. I was very aware of his zest for what life teaches and the relationship of who he is and how it fits into the world around him. I discovered how important it was for him that the children of his tribe learn their cultural heritage and ways. He speaks little of his Native language. What few Cahto words are still spoken in our home are taught to the children and shared with linguists.

I was never more astounded to hear him speak of the hurt and pain his tribe has inflicted upon him, when he told me how his tribe cut him to the core of his very being when they disenrolled him from all that he has known. I was appalled to read how this came to be. After reading numerous documents I saw that he was caught in a "Catch 22" between the Congress of the United States and Tribal Sovereignty.

As an American Citizen, I am amazed that the limited sovereignty that Congress gave to the tribes has no means of which justice can be given to the individual Indian. The very Constitution of the United States, which is supposed to protect all [of] its people, does not protect the individual Indian. We have laws that protect illegal immigrants and criminals. Citizenship given to Indian people years after it was given to others who came here from other countries. Basic Human and

Civil rights found and won here in America by another race, by disability groups, by those who have fought for recognition of their sexual status and orientation all are given the rights to due process, the right to vote, to be heard and to belong in this great nation.

Our ancestors learned from the atrocities inflicted upon the Native Americans over a century ago and now we as American Citizens are allowing tribal governments to control their people through greed, fear and intimidation. We are allowing tribal governments to wipe out entire families who have just as much right to their cultural heritage as anyone else. These tribal governments are no different that Saddam Hussein's reign of terror or Al Qaeda threat to humanity.

The Indian Civil Rights Act of 1968 has no means to protect the individual indians of basic civil right violations and to hold people accountable for their actions. Tribes are purchasing clout with their charity to other governmental entities and gifts to the public. Even though many Indians are concerned about the Infectious Disease of Disenrollment they have no cure and they are afraid to do something for fear it will happen to them.

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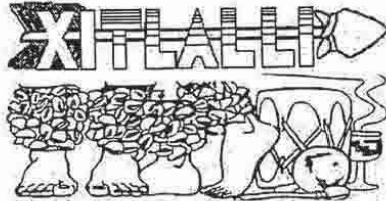
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I am attaching a brief history of my husband and his family plight so that you can see for yourself one more story. If you look at many of the rural reservations you will still see aged trailers and shacks people live in that are in dire need of repair. You will see how the money has brought in drugs, corruption, diseases and most importantly the loss of their very being. I ask that each of you take one moment and think "What would I do if my United States Citizenship was stripped from me?" "How would I feel if I could not go to the courts or if my voice was not heard?" Ask yourself how you would feel if everything you've known has been taken from you. You no longer have a right to vote, you can no longer be a part of the community you have always known. These are just a few of the thoughts that plague the families. I ask that you do whatever you can to help bring justice to the Individual Indian and give them the rights afforded to every other American Citizen.

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Danza Xitlalli de San Francisco

327 Prague Street, San Francisco, CA 94112

October 16, 2006
Mayor Gavin Newsom
City Hall
1 Dr. Carlton B. Goodlett Place
Room 200
San Francisco, CA 94102

Dear Mr. Mayor:

Danza Xitlalli de San Francisco is an Aztec Ceremonial Dance Group that was honored to dance at the opening of the de Young Museum a year ago. We were appreciative for their commitment to the Americas wing. We saw it as a place that united our ancestors once again, respecting our traditions, history and culture, without artificial borders.

So it is with great disappointment and urgency that we come to you to ask for your help in getting the museum to reconsider the separation of North American indigenous art from our pre-Columbian family of art. During the rebuilding of the DeYoung, much effort was put in by our community to insure that this particular gallery would respect traditions for the display of our ancestor's spiritual and cultural art.

Now we are told that the museum is planning to take down their Native American collection while they rethink how to display it. They have plans to give this space up for contemporary art installations. We are afraid it will never be returned to its intended purpose of displaying indigenous art. The Americas Gallery lost space a while back to 20th century art and we fear that this is what will happen again, once the Native American collection is put away.

We need people who understand how to be respectful with artifacts from the past, not only physically, but also spiritually. Many are objects used for ceremonial purposes and require attention to this aspect. Please use your influence to intervene in this, so that the museum can develop a more respectful plan for improving the display of the Native American Collection without separating it from its pre-Columbian partner collection.

It is important for our community to see unity among peoples where it exists. We do not need more fragmentation of cultures, as perpetuated today by borders and turfs. We work in our community to build connections, not to separate. We urge you to push for this in one of San Francisco's premiere institutions of historical and cultural knowledge.

Sincerely,

Macuilxóchitl, Maestra

cc John Buchanan, Director of Museums
Cynthia Goldstein, Human Rights Commission

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San Francisco Human Rights Commission

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A PROPOSAL TO THE DE YOUNG MUSEUM CONCERNING THE TREATMENT OF INDIGENOUS AMERICAN ART – Submitted Autumn 2006 by representatives of the Native American community:

Anne-Marie Sayers, Ohlone Cultural Activist
Tomasita Medál, Community Activist and participant in de Young Museum plans
Michael Smith, Director and Founder, American Indian Film Institute
Janeen Antoine, Executive Director, American Indian Contemporary Arts

OVERVIEW: As noted in the de Young website, “the de Young is San Francisco’s oldest museum. Its collections include American paintings, decorative arts and crafts, and arts from Africa, Oceania and the Americas, as well as ... textiles. Long known as the City’s Museum...the de Young re-opened in a new facility in Golden Gate Park on October 15, 2005.”

And, on the Art of the Americas, [the website states] “A walk through the de Young’s collection of objects from Mesoamerica, Central and South America, as well as the West Coast of North America reveals the richness and complexity of art that links the Americas. Notable treasures include the largest group of Teotihuacan wall murals outside of Mexico, a Peruvian mouth mask of hammered gold from the Nazca culture, and a ten-foot totem pole from Alaska.”

As participants in San Francisco’s cultural mosaic, and as representatives of the Bay Area’s indigenous community, we appreciate the opportunity for inclusion within the de Young and are also concerned about how the collections representing native peoples of the America are collected, conceptualized, and presented.

It is no secret that far too often America’s native peoples are excluded from the cultural, economic and social dialog of many institutions within San Francisco as in practically every other city in this country. The San Francisco Arts Commission recently finally designated funds for American Indian cultural activities, not enough to support a facility but at least a nominal amount that funds limited programming. The San Francisco Library’s special collections and rooms recognize many diverse groups but not Native Americans. When the Presidio was returned to the city of San Francisco the hope for a permanent California Indian Museum was dashed after five years of negotiation and work when it became apparent that there would be no accommodation for California’s indigenous peoples. The long neglected and now hugely successful Alcatraz Island was developed only after Indians expressed an interest in acquiring it during the Alcatraz Occupation. It is sadly ironic that in this highly diverse cultural mosaic, the invisibility of native peoples is still remarkable. Our first peoples continue to be invisible.

Even more ironic is the all too common practice of acquiring indigenous cultural patrimony without possessing any real regard, connection or concern for the people of the cultures that have created these works. Collectors of all sorts, professional and hobbyist alike, are infatuated with our historic objects but curiously often have little interest in the actual peoples who have created them or in their historic descendants. It is much easier to deal with a hermetically sealed object that does not talk back, often imposing on it foreign values or attributes with impunity, than to engage with representatives of that culture that require thought, consideration and an effort to breach cultural chasms. Moreover, institutions and individuals feel that they can “own” cultural

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patrimony without responsibility or accountability to the true descendants of cultural artifacts. This is a cultural anomaly for indigenous people who recognize the ownership of (ceremonial) objects is not vested in an individual or institution but remains with the collective community.

The work of indigenous communities is truly the original American art, and it behooves the de Young and other art institutions to acknowledge and celebrate the existence of this art, and of the cultures which gave them life, as a continuum and a vital, formative influence in this country's artistic heritage. This inclusion is essential if one is to understand and appreciate the true history of the Americas, and the contributions of indigenous peoples to our cultural mosaic.

The de Young has a sizable indigenous art collection, as it should, and is one of the few facilities in the Bay Area where it is possible to see truly indigenous art. For this reason, we are hopeful that we can participate and dialog with the museum's administration in order to make this an exemplary showcase for native arts and to show the continuum of the artistic talents of indigenous peoples. We have discussed the role of the museum, and its Native Americas Wing, and would like to discuss the following proposals. While we recognize there are no legal mandates for entertaining our proposals, we believe there are social and moral considerations and hope that you will recognize our proposals as a desire to truly showcase the collection of indigenous arts in a culturally appropriate and celebratory fashion. We believe this gracious act would speak well of the museum and show the de Young's interest in representing the Native Americas Wing in true indigenous spirit.

Exhibition Space: Keep and improve the current exhibition space for North American traditional Native art, and designate the rear gallery for revolving exhibitions of contemporary North American Native art. Out of respect for the unity of the native people of the Americas, and for the spiritual principles respected by Herzog and deMeuron in their architectural design of the America's Wing, and for clarity's sake, the Native Americas Wing should be rendered whole and its unity restored.

Personnel: Establish a Native curator position and fill the position with a qualified native curator. In addition, create a Native American/La Raza Advisory Board to work on issues of policy, collection, acquisition, presentation, outreach to the Native American/La Raza community, and conflict resolution.

Signage and Presentation: Name the Native Americas Wing with reference to Native America, not just as it is now, "Phyllis Wattis Gallery," [but rather create] credit labels to the person who wrote them, and in the case of Mayan art, post additional signed interpretations by Mayan spiritual guide(s) and provide clearer location signage, so that persons visiting the de Young realize that the Native Americas Wing exists and where to find it.

Collections: Expand the collection to include many more works from the West Coast First Nations and in particular works representative of the indigenous peoples of the Bay Area.

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APPENDICES

- A. ESSAY: AN OHLONE PERSPECTIVE
- B. ARTICLE: EXAMINING THE REPUTATION OF CHRISTOPHER COLUMBUS
- C. IMAGES OF CONQUEST – PUBLIC ART
- D. IMAGES OF MASCOTS
- E. RESOURCES
- F. PRESS RELEASE

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A. ESSAY: AN OHLONE PERSPECTIVE

An Ohlone Perspective on the State of Indigenous Life in San Francisco

By Anne-Marie Sayers (Tribal Chairperson, Indian Canyon) and Chuck Striplen (Amah Mutsun Ohlone) Ph.D. Candidate, Department of Environmental Science, Policy, & Management, University of California, Berkeley

The region now known as the San Francisco Bay Area, from the Golden Gate to San Jose, and the Monterey Bay to the west side of the Great Central Valley – all lie within the aboriginal territory of the Ohlone People. The term “Ohlone” is used here merely for convenience, given that the various Tribal groups aboriginal to this region have names for themselves, including Mutsun, Chochenyo, Muwekma, Rumsien, etc. There were historically eight languages spoken in the region, several of which are in the process of being reconstructed and used again by modern Ohlones. Hundreds of semi-autonomous, but highly related and interconnected villages dotted the landscape, from the edge of the bay to the crest of the highest ridgeline. We’ve lived here for more than 10,000 years, adapting to a changing climate, coping with catastrophic earthquakes and fires, hunting, fishing, dancing, singing, and even occasionally warring with each other.

The lives of our ancestors underwent an abrupt change in the late 1700s, when Spanish missionaries and explorers arrived in our territory and, using our people for labor, built eight Catholic missions and began the long and painful process of colonization. The method by which this colonization took place was devastating to the local indigenous people. Early Spanish padres learned to manipulate the politics of local communities, created conflict and strife, and eventually relied on depleted natural ecosystems and military force to end traditional village life by 1806. In 1834, secularization of the missions uprooted the Native people yet again and forced many of them into indentured servitude in local ranches, farms, and mines. For most, it was a time of little choice.

By the 1850s, for a family to claim Indian lineage was almost literally to commit suicide. In the year of 1854 alone, the U.S. government paid \$1.4 million, five dollars per-head and 50 cents per-scalp, plus food supplies, guns, and other material goods to professional Indian killers to eradicate Native people who had legitimate claim to lands and resources. [According to the value of goods and services in 1854 calculated in 2005 dollars, the money spent on killing indigenous California people in 1854 equaled \$33,586,000, at \$119.96 per-head or \$12 per-scalp]³⁰

In 1851 and 1852, representatives of scores of California Tribes, including Ohlones, signed eighteen treaties with the U.S. government reserving lands, resources, and rights to their traditional lands. Unlike other U.S. treaties with Tribes – which remain the laws of the land to this day – these treaties were never ratified by Congress, largely due to objections from the California legislature and business interests that did not want to relinquish access to immensely valuable resources in California. In fact, the treaty documents themselves were put under an injunction of secrecy until January 18, 1905.

³⁰ <http://www.measuringworth.com/calculators/uscompare/result.php>. Consumer Price Index [CPI] was used to calculate monies in 2005 dollars.

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It was decades before the Federal government devised a special California Indian Census, designed to account for the population and the needs of tribal peoples in California. If a Native person could prove that his or her ancestors were living in 1851 and 1852, and that they were still living in California in 1928, they were approved as being descendants of the ancestors who signed the treaties of 1851 and 1852, and given Bureau of Indian Affairs (BIA) numbers. They were then allowed to receive funds under the California Lands Claims Act Settlement of 1928. However these funds were not distributed until 1972, at the rate of 47 cents per-acre – for the entire state of California. [According to the CPI, .47 cents in 1972 equals \$2.19 in 2005]³¹

Currently, none of the remaining Tribes within Ohlone territory has a “recognized” status – or a “trust relationship” with the Federal government. Consequently, the Tribes are unable to hold any of their ancestral lands in trust status and to begin to rebuild their communities and cultures. In 1911, one trust allotment was issued (through Federal action) within the Ohlone area. These lands, also known as “Indian Canyon,” are located near Hollister, in San Benito County. This trust patent (#203411) was issued to Sebastian Garcia, and signed by President Taft. In 1988, a second allotment was issued to his granddaughter, Ms. Anne-Marie Sayers. Today, Indian Canyon is open to all indigenous people who are in need of traditional lands for ceremony. It stands alone as a “core” of what was once a vast stretch of Indian Country. Oral histories, as told by the descendants of Indian Canyon, instruct us that when ceremonies, traditional singing and dancing stop, so will the Earth.

Today nearly 50% of California Indians are not federally recognized. There are 118 federally recognized California tribes, and 46 others currently petitioning for federal recognition. Between 1961 and 1967, the Federal government terminated the recognized status of 11 rancherias via Public Laws 85-671 and 88-419. These rancherias have yet to be reinstated with federal recognition. Most of these tribes have yet to be restored. And most significant to our people, not a single “urban” tribe has been restored to Federal status. An unfortunate side effect of this history is that the majority of non-indigenous (notably urban) Californians still believe that California Indians are extinct. This myth is reinforced by an antiquated approach to “cultural studies” in the public schools, poor State relations with tribes, and an indifferent populace mollified by romanticized caricatures of the “Hollywood Indian.” Especially in primary education, San Francisco is in a prime position to lead the development of a state curriculum – in concert with local tribes – that will accurately portray the history, the culture, and the *continuing evolution* of Native Californians.

Our battles with the Federal government and the BIA will continue, and will largely remain outside the purview of counties and municipalities such as San Francisco. However, the relationship between the City and its First Families is as old as the City itself. Through the ebb and flow of time, economies, movements and trends, we remain a part of the City, even if largely invisible. Just as our ancestors largely created the landscapes so favored by early European explorers, we are in no small part responsible for the landscapes that will be encountered by our grandchildren’s great-grandchildren. Our community still retains a physical, cultural, and spiritual relationship to Our Land that is unaffected by “federal status” – and uninfluenced by assimilation policies. It is in this spirit that members of our community have forged relationships over the years with new governments, new mayors, new supervisors, and new residents.

³¹ Ibid

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Through these relationships, a number of positive events and projects have taken place in recent years, highlighting the continued existence of Ohlone peoples in San Francisco. For example, the National Park Service, through their Native American Liaison Paul Scolari, worked proactively with our People to establish a General Agreement pertaining to the development of Crissy Field.

And most recently, the City and County of San Francisco joined with Ohlone People to welcome the “Toi Maori Eternal Thread” exhibit to our City. Early in 2005, we were contacted by a Maori arts organization on behalf of a number of Maori Tribes in New Zealand. They informed us of their plans to put on a major exhibit at the Yerba Buena Center for the Arts. But before doing so, their cultural traditions required that they receive formal permission from our People in order to bring the National Maori Weavers Exhibition into Ohlone territory.

This request was made to our Tribal Elder, Anne-Marie Sayers, at Indian Canyon, which led to one of the most significant and visible cultural events in the City’s history. On the morning of August 5, 2005, a crew of 18 Maori warriors paddled a great, ornately carved *waka* (Maori War Canoe) on to San Francisco’s shore at Aquatic Park. They were met by our Elders, our political leadership, our dancers and singers, and by dozens of other California Natives we’d invited to take part in the Welcoming Ceremony. Two traditionally-constructed tule canoes were paddled out to meet the *waka* by three of our young men, and the party was given permission to come ashore. What followed was an impressive display of dance, song, and words of welcome between cultures spanning the Pacific. Supervisor Aaron Peskin, representing the City and County of San Francisco, was presented a great, feathered cloak by the Maori Queen, Te Arikinui Queen Te Atairangikaahu, Valentin Lopez (Amah Mutsun Ohlone Tribal Chairman), Anne-Marie Sayers (Indian Canyon Tribal Chair), and Alex Ramirez (Amah Mutsun Elder). More than 1,000 people, representing Natives and non-Natives from throughout the region gathered to bear witness to these spectacular events that morning. In the following hours and days, this renewed relationship between Pacific cultures and the City and County of San Francisco gained momentum, as more than 21,000 visitors and local residents toured the Yerba Buena exhibit, taking in both Maori and local Ohlone perspectives on art, culture, song, and solidarity. This went on to become one of the most well attended exhibits ever sponsored by the Yerba Buena Center.

Following these events, and based largely on their unparalleled success, an organization known as the “San Francisco New Zealand Association” was formed, comprised of Ohlone, Maori, and civic officials in both countries. The mission of this organization is to perpetuate and formalize this new cultural relationship in the form of a “Sister City” arrangement between San Francisco and Wellington, New Zealand’s capital. In February 2007, Toi Maori and the Mayor of Christchurch, New Zealand formally invited Ohlone representatives Chuck Striplen and Anne-Marie Sayers to visit Christchurch to participate in the Waitangi Treaty Holiday and Homecoming Celebrations that honored the return of the Toi Maori Eternal Thread exhibit after its tour through San Francisco, Oregon, and Washington. Mr. Striplen and Ms. Sayers attended these events bearing official letters from Mayor Newsom and Board President Peskin. While there, our status as “San Francisco Bay’s Original People” was recognized by the U.S. Ambassador to New Zealand, William McCormick, as he introduced us to the Mayor of Christchurch and a Maori contingent of more than 300.



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These, along with numerous other events, illustrate that the relationship between San Francisco and its First Families can and should be fostered, toward the betterment of both our communities, in the spirit of partnership, mutual respect, honesty, open communication and active engagement.

The City and County of San Francisco - through its legislative and civic initiatives, through the activism of its citizenry, and through the progressive actions of its leadership - positions itself in a unique ethical position among the great US cities. Yet, in terms of progressive and meaningful actions to improve and formalize its relationship with its indigenous people, the City still has much room for improvement. It is the goal of this communication, and hopefully of this Human Rights Commission report, to point out some of these shortcomings and recommend some areas in which the City and County of San Francisco can make needed improvements.

Recommendations:

- 1) Establish some mechanism within City/County government to directly liaise with Ohlone tribal government(s) to address cultural matters — such as an “Office of Indigenous Affairs.” In our view, this office may also help the City/County address non-Ohlone, indigenous issues that may exist; however it’s critical that issues of cultural resource protection, cultural representation of the “aboriginal territory” that encompasses the City and County, and any other related matters involve only Ohlone representatives. Other indigenous issues have merit and we encourage the City/County to address them, but we also stress the importance of dealing with these issues separately;
- 2) Placement of Ohlone representatives on City/County boards and advisory groups pertaining to cultural and educational matters. A model for the success of this approach exists in the development of the new San Francisco History Museum. An Ohlone representative (Chuck Striplen) was appointed by the Board of Supervisors to the San Francisco Historical Society and Old Mint Advisory Committee in 2004 – and has remained active in the project (via the SFMHS Storyline Committee) to ensure that Ohlone perspectives remain an important part of the way the City’s history is conveyed. Ohlone representatives should have much greater visibility and access to matters concerning the “culture” of San Francisco, and the interpretation and presentation thereof;
- 3) Consider incorporating Ohlone cultural motifs (basket designs, animal motifs, etc.) into City/County-sponsored construction projects. California Indian basketry, carving, and other elements of material culture are heralded as some of the finest in the world. The simple task of associating our imagery with City/County properties and infrastructure improvements would help elevate the visibility of our community, and enhance our public image through our art. It would also significantly enhance San Francisco as a tolerant, just, and progressive City;

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- 4) Consider ceding surplus City/County lands back to our People. Since the Federal government still considers us extinct, and has demonstrated no willingness to fulfill its trust responsibility to us, the City and County of San Francisco is in the position to help rectify shortcomings of the US government, just as it does in Homeland Security and disaster preparedness, health and human services, and environmental protection. In addition to ceding lands, other management-related relationships should be explored, including co-management agreements, Memorandums Of Agreements, Memorandums Of Understandings, special access permits, and collaborative research projects.
- 5) Fully engage and support international indigenous exchanges and collaborations, such as the recently renewed relationship with New Zealand's Maori people. San Francisco benefits greatly from its reputation as an "international" city, both in terms of cultural enlightenment, and the tourist dollar. We can learn much from other nations and other indigenous communities in terms of how they coexist, cooperate, and improve their communities and civic relationships.
- 6) Proactively implement State Senate Bill 18. Tribal consultation has now been made part of local government land use planning processes with the goal to preserve and protect Native American traditional cultural places. All counties in California are now *required* to consult with Tribal governments when amending General Plans and other countywide planning documents that may affect the protection of cultural resources. Given this, we recommend that San Francisco begin meaningful and proactive consultations with Ohlone tribes so that pre-contact, archeological, cultural, spiritual, and ceremonial places can be identified and cooperatively protected.

We make these recommendations with the sincere hope that the City and County of San Francisco will live up to its international reputation as a just and progressive City. The issue of San Francisco's relationship with Ohlone peoples is, in fact, its oldest social justice issue. Given our small "constituency" within San Francisco, we essentially have no voice in local politics and social movements. Therefore we appeal to San Francisco's heralded sense of justice in urging the City to give strong and deliberative consideration to our recommendations.

Unlike previous decades, today our communities are growing, not diminishing. We are better educated, better organized, and fiercely proud of our indigenous heritage. Probably within the next decade, one or more Ohlone tribal governments will regain Federal acknowledgement. Should San Francisco elect to engage any of our recommendations, it will be far better poised to move forward in an enlightened, progressive, and collaborative manner with a Federally-recognized Ohlone government. These efforts will hopefully preempt much of the conflict that we see daily between tribes and cities in California.

Noso-n (In breath so it is in Spirit)

78-2
cont'd.



**DISCRIMINATION BY OMISSION: ISSUES OF CONCERN FOR NATIVE AMERICANS IN
SAN FRANCISCO**

B. Article: Examining the Reputation of Christopher Columbus

Jack Weatherford

Examining the reputation of Christopher Columbus
(*Baltimore Evening Sun*, 1989)

Christopher Columbus' reputation has not survived the scrutiny of history, and today we know that he was no more the discoverer of America than Pocahontas was the discoverer of Great Britain. Native Americans had built great civilizations with many millions of people long before Columbus wandered lost into the Caribbean.

Columbus' voyage has even less meaning for North Americans than for South Americans because Columbus never set foot on our continent, nor did he open it to European trade. Scandinavian Vikings already had settlements here in the eleventh century, and British fishermen probably fished the shores of Canada for decades before Columbus.

The first European explorer to thoroughly document his visit to North America was the Italian explorer Giovanni Caboto, who sailed for England's King Henry VII and became known by his anglicized name, John Cabot. Caboto arrived in 1497 and claimed North America for the English sovereign while Columbus was still searching for India in the Caribbean. After three voyages to America and more than a decade of study, Columbus still believed that Cuba was a part of the continent of Asia, South America was only an island, and the coast of Central America was close to the Ganges River.

Unable to celebrate Columbus' exploration as a great discovery, some apologists now want to commemorate it as the great "cultural encounter." Under this interpretation, Columbus becomes a sensitive genius thinking beyond his time in the passionate pursuit of knowledge and understanding. The historical record refutes this, too.

Contrary to popular legend, Columbus did not prove that the world was round; educated people had known that for centuries. The Egyptian-Greek scientist Eratosthenes, working for Alexandria and Aswan, already had measured the circumference and diameter of the world in the third century B.C. Arab scientists had developed a whole discipline of geography and measurement, and in the tenth century A.D., Al Maqdisi described the earth with 360 degrees of longitude and 180 degrees of latitude. The Monastery of St. Catherine in the Sinai still has an icon painted 500 years before Columbus - which shows Jesus ruling over a spherical earth. Nevertheless, Americans have embroidered many such legends around Columbus, and he has become part of a secular mythology for schoolchildren. Autumn would hardly be complete in any elementary school without construction-paper replicas of the three cute ships that Columbus sailed to America, or without drawings of Queen Isabella pawning her jewels to finance Columbus' trip.

This myth of the pawned jewels obscures the true and more sinister story of how Columbus financed his trip. The Spanish monarch invested in his excursion, but only on the condition that Columbus would repay this investment with profit by bringing back gold, spices, and other tribute from Asia. This pressing need to repay his debt underlies the frantic tone of Columbus' diaries as he raced from one Caribbean island to the next, stealing anything of value.

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cont'd.



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SAN FRANCISCO**

After he failed to contact the emperor of China, the traders of India or the merchants of Japan, Columbus decided to pay for his voyage in the one important commodity he had found in ample supply - human lives. He seized 1,200 Taino Indians from the island of Hispaniola, crammed as many onto his ships as would fit and sent them to Spain, where they were paraded naked through the streets of Seville and sold as slaves in 1495. Columbus tore children from their parents, husbands from wives. On board Columbus' slave ships, hundreds died; the sailors tossed the Indian bodies into the Atlantic.

Because Columbus captured more Indian slaves than he could transport to Spain in his small ships, he put them to work in mines and plantations which he, his family and followers created throughout the Caribbean. His marauding band hunted Indians for sport and profit - beating, raping, torturing, killing, and then using the Indian bodies as food for their hunting dogs. Within four years of Columbus' arrival on Hispaniola, his men had killed or exported one-third of the original Indian population of 300,000. Within another 50 years, the Taino people had been made extinct - the first casualties of the holocaust of American Indians.³² The plantation owners then turned to the American mainland and to Africa for new slaves to follow the tragic path of the Taino.

This was the great cultural encounter initiated by Christopher Columbus. This is the event we celebrate each year on Columbus Day. The United States honors only two men with federal holidays bearing their names. In January we commemorate the birth of Martin Luther King, Jr. who struggled to lift the blinders of racial prejudice and to cut the remaining bonds of slavery in America. In October, we honor Christopher Columbus, who opened the Atlantic slave trade and launched one of the greatest waves of genocide known in history.

Jack Weatherford is an anthropologist at Macalaster College in St. Paul, Minn. His most recent book is "Indian Givers." He wrote this article for the Baltimore Evening Sun.

³² Commission note: The assumption that the Taino became extinct is currently being disputed.

78-2
cont'd.



DISCRIMINATION BY OMISSION: ISSUES OF CONCERN FOR NATIVE AMERICANS IN SAN FRANCISCO

C. IMAGES OF CONQUEST – PUBLIC ART

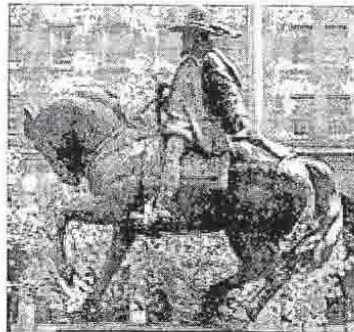
Many of the images are depicting scenes of conquest. Some of the images glorify the subjugation of Native American people, while others romanticize the conquest or visages of the indigenous people of the Americas. Some of the images are disturbing because they illustrate violence perpetrated against Native Americans, and other depictions are offensive because the Native American subjects are portrayed in the nude (which is not a culturally appropriate artistic value when applied to Native American subjects, as nudity in art is not a Native American standard), or they are fetishized or romanticized, historically and culturally inaccurate images.



Christopher Columbus
(Coit Tower)



Padre Junipero Serra
(Golden Gate Park)



Don Juan Bautista De Anza
(Lake Merced)

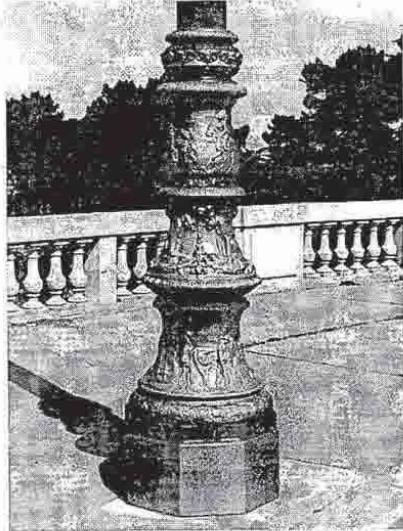
Created the Mission system and Presidio in San Francisco.

San Francisco Human Rights Commission

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SAN FRANCISCO



“The Winning of The West”

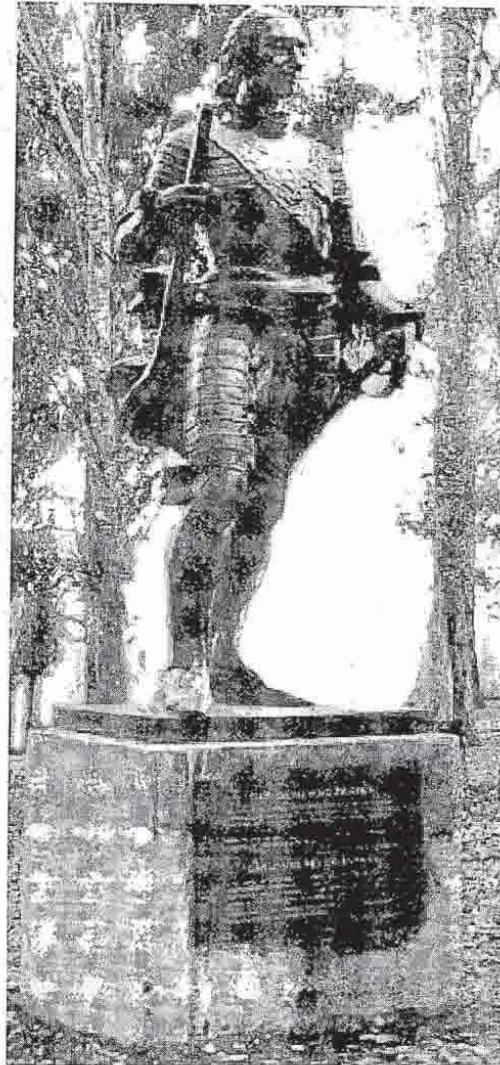
238 light poles along Market Street and surrounding the Legion of Honor

The image is a Plains Indian, not Californian. The subject is nude and riding a horse, which is historically inaccurate. In addition, nudity is not a Native American standard in art and its use in depictions of Native Americans is a European-based concept in art and is considered to be disrespectful by many Native American people. It also perpetrates the misconception that all Native Americans resemble Plains people and culture.

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DISCRIMINATION BY OMISSION: ISSUES OF CONCERN FOR NATIVE AMERICANS IN
SAN FRANCISCO



King Carlos III of Spain
(Lake Merced)

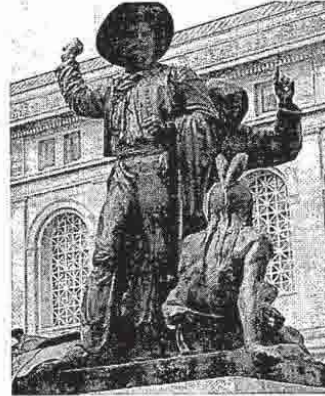
Established the Catholic Missions in San Francisco.

San Francisco Human Rights Commission

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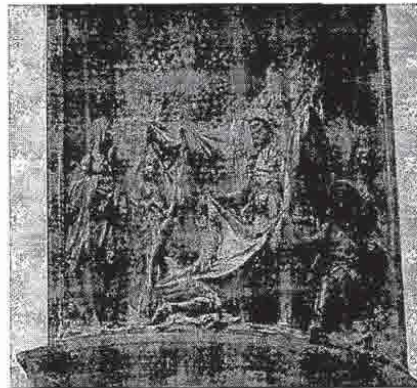
78-2
cont'd.

The Pioneer Monument (Civic Center Plaza)



In the original rendition of this statue, the Vaquero (rancher), was brandishing a gun. It was removed when the statue was relocated to its current location in 1993.

The image (above) shows a Catholic priest gesturing to heaven with one hand while motioning to the Native American person to stay down on the ground. Although this is a statue that glorifies the conquest of California, the Native American person is a Plains Indian (when considering the feathers and hair style) and not a California Indian, which reinforces the notion that all Native Americans look like Plains Indians. The Native American person is naked (except for a blanket), is barefoot, and is in an inferior, helpless position on the ground with the conquerors standing in a superior position over him.



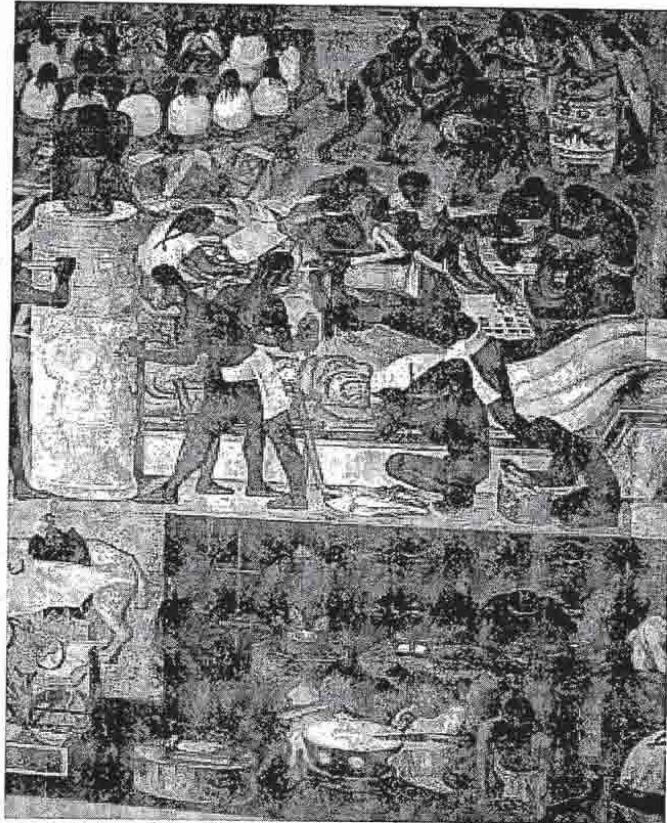
The close-up (above) is of one of the bas-relief panels that encircle the pillar of this monument. The Native American people are all naked and barefooted, and the woman's breast is exposed. The central figure of a European trader is in a superior position to the Native American subjects, one of whom is kneeling at the feet of the trader.



The plaque (left) gives a history of the origin of the statue as well the different locations where it has been erected. It neither offers an explanation of the historical context of the images, nor does it extend any apology for the subjugation and near-annihilation of Native American people.

78-2
cont'd.

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“Marriage of the Artistic Expression of the North and South of this Continent”
(City College)

“[This image is intended to convey] Pan American unity representing the United States, Canada, and Mexico. Coatlicue, the ancient Aztec Goddess of earth and death dominates the center of the design. Figures present in the mural are the artist, Frida Kahlo, various actors, Dudley Carter, Emmy Lou Packard. The mural was originally created [by Diego Rivera] for the 1939 World’s Fair [in New York].” (SF Arts Commission Website)

While the mural seems to exalt Native American people and culture, it is viewed by many to be cultural assimilation and fetishization of the indigenous people of the area known as Mexico. Additionally, nudity in art is not a Native American standard and is often seen as offensive and inappropriate as the representations depict what many Native Americans see as their ancestors. In this context, nude depictions of what are essentially grandmothers and grandfathers are deemed offensive when viewed through most indigenous values.

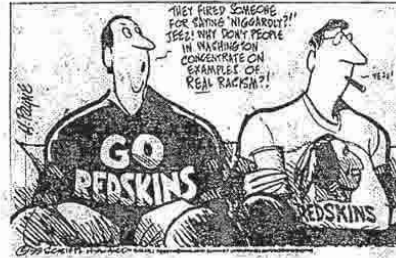
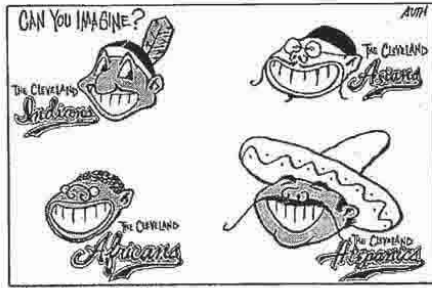
78-2
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DISCRIMINATION BY OMISSION: ISSUES OF CONCERN FOR NATIVE AMERICANS IN SAN FRANCISCO

D. IMAGES OF MASCOTS

The selection of panel cartoons and sports mascot images are examples of imagery that exploits Native Americans either through ridicule (implied or explicit) or through misrepresentation, objectification, and/or fetishization.



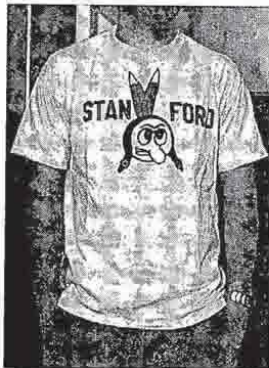
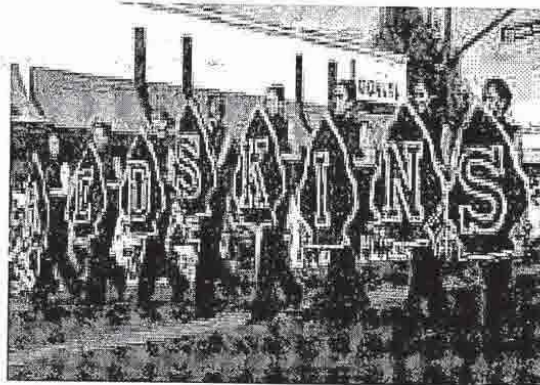
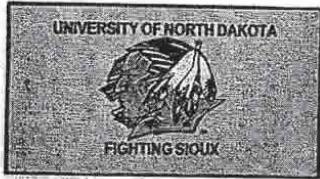
"Chief Wahoo" of the Cleveland Indians

78-2 cont'd.

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College students performing the so-called, "tomahawk chop" at a game. This very aggressive gesture, which mimics the use of a weapon, first began at Florida State University and is emulated at other public school and professional sports venues. The intention is to intimidate opponents while cheering on the team. The "tomahawk chop" is usually accompanied by a sing-song, Hollywood style "war chant."

Stanford Alumni shirt – circa 1972
This Stanford mascot was eliminated by student vote, yet this T-shirt was sold by the Stanford Alumni Association in 2006 to raise money.

78-2
cont'd.



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E. RESOURCES

This is a partial list of organizations that serve Native American communities. If your organization has not been listed, please contact the Commission and submit contact information for your organization, for consideration of inclusion in subsequent amended versions of the report.

ADVOCACY

Advocates for Indigenous California Language Survival

221 Idora Avenue
Vallejo CA 94591
(707) 644-6575 www.aicls.org

American Indian Activity Group/Lawrence Livermore National Laboratory
(925) 423-7846

American Indian Alliance of Santa Clara (Pow Wow calendar; resource directory)

467 Saratoga #626
San Jose, CA 95129
(408) 246-0343 aia@americanindianalliance.org

American Indian Resources Institute/Indian Law Reporter

1025 West Vine Street
Stockton CA 95203
(510) 834-9333 indianlawreporter.org

Bay Area American Indian Two-Spirits (BAAIT-S)

1800 Market Street
San Francisco CA 94102
(415) 865-5616 www.baait-s.org

Black Native American Association

(510) 536-1715
2228 E. 15th Street
Oakland CA 94606 www.bnaa.org

California Indian Legal Services

405 - 14th Street, Suite 300
Oakland CA 94612
(510) 835-0284
(800) 829-0284
Fax: (510) 835-8045

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Department of Veterans Affairs: Native American Program

(650) 493-5000 ext. 22241

(chapel's extension will direct you to the Cultural Center located in Menlo Park)

International Indian Treaty Council

2390 Mission Street, Suite 301

San Francisco CA 94110

FAX (415)641-1298

(415) 641-4482

www.treatycouncil.org

iitc@treatycouncil.org

Intertribal Council of California

2755 Cottage Way, Suite 14

Sacramento CA 95825

(916) 973-9581

National Congress of American Indians

1301 Connecticut Avenue NW, Suite 200

Washington DC 20036

(202) 466-7767

www.ncai.org

National Indian Justice Center

5250 Aero Drive

Santa Rosa CA 95403

(707) 579-5507

www.nijc.indian.com

Oyate

2702 Mathews St.

Berkeley, CA 94702

(510) 848-4815 fax

(510) 848-6700

www.oyate.org

oyate@oyate.org

Running Strong for American Indian Youth

2550 Huntington Avenue #200

Alexandria, VA 22303

(703) 317-9881

www.indianyouth.org

United Indian Nations

1320 Webster Street

Oakland CA 94612

(510) 763-3410

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cont'd.



**DISCRIMINATION BY OMISSION: ISSUES OF CONCERN FOR NATIVE AMERICANS IN
SAN FRANCISCO**

ARTS

Ableza: Native American Arts and Film

(408) 267-4609
1279 Mildred Avenue
San Jose CA 95125

www.ableza.org
ableza@pachell.net

Jesse Peter Native American Art Museum

(707) 527-4479
15 Mendocino Avenue
Santa Rosa CA 95401

www.santarose.edu/museum

Machu Pichu Gallery and Museum of the Americas

(408) 977-0816
88 South Third Street, #119
San Jose CA 95113

www.incagardens.com

Maidu Interpretive Center

(916) 774-5934
1960 Johnson Ranch Drive
Roseville CA 95661

www.roseville.ca.us/indianmuseum

Marin Museum of the American Indian

(415) 897-4064
PO Box 864
Novato CA 94948

www.marinindian.com

Native American Cultural Center of San Francisco

(415) 867-8101

www.nativecc.com

Oakland Museum of California

(510) 238-2200

www.museumca.org

Phoebe Hearst Museum of Anthropology, UC Berkeley

(510) 642-3682
103 Kroeber Hall
Berkeley CA 94720

www.heartsmuseum.berkeley.edu

American Indian Contemporary Arts

(510) 682-8839

www.groups.msn.com/bayareaindiancalendar.org

American Indian Film Institute

(415) 554-0525
333 Valencia Street
San Francisco CA 94103

www.aifisf.com

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**DISCRIMINATION BY OMISSION: ISSUES OF CONCERN FOR NATIVE AMERICANS IN
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California Indian Basketweavers Association
(530) 272-5500 www.ciba.org

California Indian Museum and Cultural Center
(707) 579-3004
5250 Aero Drive
Santa Rosa CA 95403 www.cimcc.org

California Indian Storytelling Association
(510) 793-8208
PO Box 267
Fremont CA 94537 www.cistory.org

California State Indian Museum
(916) 324-0971
2618 King Street
Sacramento CA 95816 hberry@parksCa.gov

Carl Gorman Museum, UC Davis
(530) 752-6567
1316 Hart Hall
One Shield Avenue
Davis CA

Chaw'Se Regional Indian Museum
(209) 296-7488
14881 Volcano Road
Pine Grove CA 95665

Dance for Power
(877) 366-7248

Gallery of the American West
(916) 446-6662 www.gallerywest.com

Gathering Tribes
(510) 528-9038
1573 Solano Avenue
Berkeley CA 94707 www.gatheringtribes.com

Grace Hudson Museum and Sun House
(707) 467-2836
431 South Main Street
Ukiah CA 95482 www.gracehudsonmuseum.org

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cont'd.

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**DISCRIMINATION BY OMISSION: ISSUES OF CONCERN FOR NATIVE AMERICANS IN
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University of California, Berkeley
Ethnic Studies Department
Native American Studies Collection
(510) 643-1234 www.esl@library.berkeley.edu

Sequoyah Library, DQ University
(530) 758-0470
PO Box 409
Davis CA 95617

Society for the Advancement of Chicanos and Native Americans in Science
(831) 459-0170
PO Box 8526
Santa Cruz, CA 95061 www.sacnas.org
info@sacnas.org

Woodfish Institute
(415) 263-0423
P.O. Box 29044
San Francisco CA 94129-0030 www.woodfish.org
lgray@woodfish.org

Family/Children/Elders

American Indian Child Resource Center
(510) 208-1870
522 Grand Avenue
Oakland, CA 94610
Fax (510) 208-1886 www.aicrc.org, aicrc@aicrc.org

Friendship House Association of American Indians
(415) 865-0964
56 Julian Avenue
San Francisco CA 94103-3547 www.friendshiphousesf.org

Hintil Kuu Child Development Center
(510) 879-0840

Indian Child and Family Preservation Program
(707) 463-2644

Indigenous Nations Child and Family Agency
(510) 559-3120

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SAN FRANCISCO**

HEALTH

California Rural Indian Health Board
(916) 929-9761
4400 Auburn Boulevard, 2nd Floor
Sacramento CA 95841 www.crihb.org

Indian Health Center of Santa Clara Valley
(408) 445-2051

Native American AIDS Project
(415) 431-6227
470 Carolina Street
San Francisco CA 94107

Native American Health Center
(415) 621-0851 www.nativehealth.org
info@nativehealth.org

MEDIA

Bay Native Circle: KPFA Berkeley
(510) 848-6767 www.radiocamp.com/baynativecircle
baynativecircle@radiocamp.com

Native Media Resource Center
(707) 875-9835 www.nativeamericanpublicradio.com
info@nativeamericanpublicradio.com

News From Native California
(510) 549-2802
PO Box 9145
Berkeley CA 94709 www.heydaybooks.com/news
nnc@heydaybooks.com

Native Voices – Mary Jean Robertson – KPOO 89.5FM
3rd and 4th Wednesdays of the month from 6 p.m. to 8 p.m.

Red Road – San Francisco Public Access Television – Channel 29
1st Monday of the month at 7p.m., San Francisco Cable TV

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**DISCRIMINATION BY OMISSION: ISSUES OF CONCERN FOR NATIVE AMERICANS IN
SAN FRANCISCO**

F. PRESS RELEASE

NEWS RELEASE

September 28, 2006

FOR IMMEDIATE RELEASE

Contact: Marcus Arana at (415) 252-2519

**SAN FRANCISCO HUMAN RIGHTS COMMISSION TO HOLD
HISTORIC PUBLIC HEARING ON NATIVE AMERICAN ISSUES**

The San Francisco Human Rights Commission announced today that it will hold a public hearing on Native American issues in San Francisco, on **Thursday October 12, 2006**. The hearing, starting at 4:30 p.m., will be held at San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place, Board of Supervisors Legislative Chamber, 2nd Floor, Room 250, and is scheduled to end at 7:30 p.m.

“This will be a historic event for the San Francisco Human Rights Commission,” stated Commission Chair Khaldoun Baghdadi. “We are inviting speakers from many different sectors of the Native American community, so we expect a very comprehensive hearing.”

Commissioner Pat Norman is a member of the Native American Community and is enthusiastic about the timing of the hearing. “This means so much to both local and relocated Native American community members. It will be refreshing to address the complex problems facing the original, indigenous people of this country,” said Commissioner Norman.

The Commission will hear testimony on many different allegations raised in recent community focus groups: San Francisco tribes (Ohlone, Muwekma) are not recognized by the federal Bureau of Indian Affairs and are not granted the rights of tribal sovereignty. The Federal government has proposed severe funding cuts to Native American Urban health centers, potentially impacting thousands of Native American people in San Francisco.

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San Francisco Human Rights Commission

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cont'd.

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DISCRIMINATION BY OMISSION: ISSUES OF CONCERN FOR NATIVE AMERICANS IN SAN FRANCISCO

Native American people are mostly omitted in conversations about racism. Romanticized images of Native Americans are used to sell everything from cigarettes to fast food. Sports teams on any level, from elementary schools to professional teams, diminish Native Americans to “mascot” status.

Other allegations detail statuary and paintings in San Francisco that demean Native American people. Streets and public buildings in the City are named after conquerors. School children are being taught volumes of misinformation, while Native American children have to navigate an innately hostile environment at school. There are high numbers of homeless, poor Native American people who are not targeted by government outreach programs. The Commission will look at the issue of relocation and how intertribal tensions may affect community relations. And, the Commission will hear from local government on how San Francisco addresses these concerns and issues.

A report with Findings and Recommendations will be created from the information collected from the oral and written testimonies of community members, parents, youth, educators, academics, service providers, and City Department representatives. There will be time set aside for public comment.

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cont'd.

■ Letter 78: City and County of San Francisco, Human Rights Commission (1/12/10)

Response to Comment 78-1

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under SB 18, and to Master Response 2 (Potential Native American Burial Sites) regarding the presence and treatment of burial remains and funerary objects discovered at the Project site.

Response to Comment 78-2

The *Issues of Concern for Native Americans in San Francisco*, a report of the San Francisco Human Rights Commission, submitted with the comment, provides general information and is not a direct comment on the content or adequacy of the Draft EIR.

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Letter 79: San Francisco Bicycle Coalition (1/12/10)

1 of 2



Letter 79

995 Market Street Suite 1550
San Francisco, CA 94103
415.431.BIKE
415.431.2468 fax
www.sfbike.org

Bill Wycko
Environmental Review Officer
San Francisco Planning Department
1650 Mission St., Suite 400
San Francisco, CA 94103

January 12, 2010

RE: Comments on Draft Environmental Impact Report for the Candlestick Point-Hunters Point Shipyard Phase II Development Plan

Dear Mr. Wycko

On behalf of the 11,000 members of the San Francisco Bicycle Coalition (SFBC), I hereby submit our comments on the Draft Environmental Impact Report (DEIR) prepared for the Candlestick Point-Hunters Point Shipyard Phase II Development Plan. We make the following points on the adequacy of this Draft, and suggest the following revisions and additions

1. Harney Way Widening (Impact TR-16, III.D-97) – On the proposed widening of Harney Way (in separate phases), Figures 9 and 10 in the November 2009 Transportation Plan show the configuration of Harney Way in the Initial Configuration and Ultimate Configuration. For bicycles, the Initial Configuration contains a 12-foot bike path plus a 5-foot bike lane in either direction. The Ultimate Configuration retains the 12-foot bike path, but only one 5-foot bike lane, on the North side of the street. The Final EIR should contain a study of the potential impact of the removal of the bike lane during this widening, and alternatives to removing the bike lane, such as narrowing or removing car travel lanes, or narrowing sidewalks.

In addition, MM TR-16 states that “the Project Applicant shall fund a study to evaluate traffic conditions on Harney Way and determine whether additional traffic associated with the next phase of development would result in the need to modify Harney Way to its ultimate configuration,” in collaboration with the SFMTA. The decision to widen a street widening should be made into a public process, led by SFMTA research and outreach, and not determined by current standards of intersection LOS. When this decision is actually made, the community may prefer options other than those that are present or known currently.

2. Impact TR-32 states that increased traffic volumes and the proposed transit preferential treatments on Palou Ave. (between Griffith and Third St.), could result in a significant and unavoidable impact on bicycle traffic on that current section of official bike network. At this time, the feasibility is uncertain, so as a mitigation, it is stated the applicants will fund a study looking at relocating the bike routes to another neighboring streets. It should be noted that serious bike network connectivity issues may arise by this change. Any feasibility study should include examining the ease and of bike trips throughout the area, and to adjacent neighborhoods. Hills and increased auto traffic (on Third St.) on the new

79-1

79-2

Continued on next page

Printed on 100% post-consumer waste with soy-based ink. Processed chlorine-free.

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Continued from previous page

bike route may be worse for cyclists than the future Palou St. The Final EIR should include a study of possible likely alternatives, as well as the possibility of having the bike route remain on Palou St.

In addition, under the heading "Streetscape Improvements" on p III.D-45, the document states that Harney Way, Innes, Palou, Gilman, Ingerson, and Jamestown Avenues "would serve as primary routes for pedestrians, bicyclists, transit riders, and drivers." How is this statement compatible with the removal of bike facilities off of Palou Ave.?

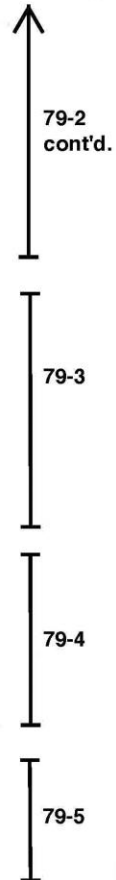
3. Figure 14 of the November 2009 Transportation Plan (page 52) shows a gap in the proposed bikeway network in the area adjacent to Candlestick SRA. Coming off of either the Class I or II facilities on Harney Way and continuing northeast, there is no direct designated route for cyclists to continue north-east onto what will presumably be Donahue St. A Class I facility follows the coastline away from the direct route, and the network of Class III routes crisscross the area in their own network. Since the streets will be essentially created from scratch, a bicycle facility on this segment of roadway should be included in future studies.
4. Impact TR-40 describes bicycle access to the stadium during game days, and states that the trip will be possible, but "difficult." It seems there may be an opportunity to actively build infrastructure for and encourage bicycling to the stadium, as a way to alleviate the impacts from automobiles on those 12 occasions a year. The Final EIR should include analysis of potential bike mode-share on game days, given a safe and attractive route and encouragement to travel there by bike.
5. Impact TR-31 states that there will be "No Impact" on the bicycle network and circulation, because of the expansion of facilities in the Project area, and adjacent to the Project Area. The last sentence states that "the facilities would be adequate to meet the bicycling demand associated with the Project uses." How is this adequacy measured?

I thank you for your consideration on the above points, and hope future reports contain additional and amended studies of alternatives and impacts, as recommended.

Sincerely,



Neal Patel
Community Planner
San Francisco Bicycle Coalition
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■ Letter 79: San Francisco Bicycle Coalition (1/12/10)

Response to Comment 79-1

The analysis in the Draft EIR does examine the impact associated with full buildout of Harney Way. Under this scenario, Harney Way would have a Class I shared bicycle/pedestrian path on its southern side, adjacent to the San Francisco Bay. This facility would accommodate bicycle travel in both the eastbound and westbound directions. However, to provide connections to potential bicycle facilities to the west and reduce the need for bicycles to cross Harney Way, Harney Way would also include a Class II bicycle lane in the westbound direction. As described in Impact TR-31, the Draft EIR determined that there would be no significant adverse impacts to bicycles associated with the planned bicycle configurations.

The ultimate configuration of Harney Way has been developed based on a series of public meetings and workshops, and it is anticipated that Harney Way would be built out as currently proposed in the Draft EIR. However, as indicated in mitigation measure MM TR-16, prior to issuance of grading permits for Phases 2, 3, and 4, the Project Applicant shall fund a study to evaluate traffic conditions on Harney Way and determine whether additional traffic associated with the next phase of development would result in the need to modify Harney Way to its ultimate configuration. The study shall be conducted in collaboration with the SFMTA, which would be responsible for making final determinations regarding the ultimate configuration. Along with other concurrent factors, SFMTA may incorporate public comment into the ultimate configuration, thereby allowing community preferences to help shape viable options that may differ from those currently planned.

Response to Comment 79-2

Comment noted. The purpose of the feasibility study referenced in mitigation measure MM TR-32 would be to examine the connectivity issues, topography, and auto traffic volumes cited by the commenter.

Response to Comment 79-3

The comment refers to Figure 14 in the Project's Draft Transportation Plan. The same figure is included in Figure III.D-10 of the Draft EIR. In response to the comment, Figure III.D-10 in the Draft EIR has been revised to include a Class III bicycle facility on Harney Way from Arelious Walker Drive to the northeastern end of Harney Way within the Candlestick Point site. Refer to Response to Comment 31-9 for the revised figure.

Response to Comment 79-4

The Project would include a number of bicycle-related improvements designed to encourage bicycle use to the new stadium. Refer to Response to Comment 31-4. However, regardless of the amount of bicycle-related infrastructure that could be reasonably provided, due to the very high traffic volume and large volumes of pedestrians in the vicinity of the stadium on game days, bicycling (as with other modes) would become more congested and difficult. However, Impact TR-40 concluded that the impacts to bicycles would be less than significant, because congestion and crowding are generally expected at large sporting events.

Response to Comment 79-5

For purposes of the Draft EIR, the level of significance of Project impacts were measured according to the significance criteria described on pages III.D-31 to III.D-33. Specifically for bicycles, Criteria D.k specifies that impacts to bicycles would be significant if the Project would “create potentially hazardous conditions for bicyclists or otherwise substantially interfere with bicycle accessibility to the site and adjoining uses.”

■ Letter 80: People Organized to Win Employment Rights (12/11/09)

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SUE C. HESTOR

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Letter 80

December 11, 2009

Ron Miguel, President
Planning Commission
1650 Mission Street 5th fl
San Francisco CA 94103

RE: 2007.0946E Candlestick Point-Hunters Point Shipyard Phase II Development Plan DEIR
December 17, 2009, 6:30pm Item 20

Dear President Miguel:

On behalf of People Organized to Win Employment Rights (POWER) I request that the Commission establish a 90-day review period for the Candlestick Point/Hunters Point DEIR and that you set a second Planning Commission hearing on the DEIR.

The DEIR was released on November 12 with a Monday, December 28 deadline - a 45-day period for written comments. MEA intends to extend that period to Monday, January 11. The Commission hearing is being held 35 days after DEIR release. Given the complexity and massive project size, as well as the extraordinary length of the DEIR, the public needs much more time to review and prepare adequate written comments. A November 12 - January 11 review period straddles THREE important holiday periods - Thanksgiving, Christmas and New Years - when government offices are closed or operate with minimal staffing for several days at a stretch. **A 90-day review period is appropriate to give the public adequate time to review and prepare written comments on this complex DEIR.**

80-1

The Commission's public DEIR hearing schedule should also be reviewed. December 17 is a day with many holiday events. Several matters on that calendar have potential for substantial discussion - new garages in existing buildings, the Department's financial condition, demolition of sound housing. Even if the DEIR hearing starts promptly at 6:30, an interesting assumption, DEIR testimony will take several hours. DEIR comment helps the public, as well as Commissioners, to begin focusing on important issues that will be coming up. **POWER asks the Commission start testimony Thursday, but set a second date for continued public hearing.** That you will take testimony from those who can't come later and limit the amount of time.

Respectfully submitted,

Sue C. Hestor

cc: Joy Navarrete
Planning Commissioners
Jaron Browne, POWER

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■ Letter 80: People Organized to Win Employment Rights (12/11/09)

Response to Comment 80-1

Refer to Response to Comment 1-1 and Response to Comment 85-5 regarding extension of the comment period and opportunities for public comment.

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■ Letter 81: Golden Gate Audubon Society (1/12/10)

1 of 14



*inspiring people to protect
Bay Area birds since 1917*

Letter 81

January 12, 2010

Via U.S. Mail and electronic mail

Mr. Stanley Muraoka
Environmental Review Officer
San Francisco Redevelopment Agency
One South Van Ness, 5th Floor
San Francisco, CA 94103
stanley.muraoka@sfgov.org

Mr. Bill Wycko
Environmental Review Office
San Francisco Planning Department
1650 Mission Street
San Francisco, CA 94103
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**RE: Project Title: Candlestick Point- Hunters Point Shipyard Phase II Development Plan (Project)
Case Number: SF Redevelopment Agency File #ER06.05.07, Planning Department Case #2007.0946E, State Clearinghouse#2007082168**

Dear Mr. Muraoka and Mr. Wycko:

This comment letter on the above-referenced project and Draft Environmental Impact Report (“DEIR”) is submitted on behalf of the Golden Gate Audubon Society and its more than 10,000 members and supporters in the San Francisco Bay Area, including the Candlestick Point and Hunters Point communities. Because the DEIR fails to adequately identify the significant impacts to the biological resources of the project area and its environs, Golden Gate Audubon finds that the DEIR is fatally flawed and further environmental analysis and revision of the Preferred Alternative (“the Project”) is necessary.

Golden Gate Audubon believes that redevelopment, if planned with adequate environmental protections, could create significant benefits for the community and the natural environment of the Candlestick Point – Hunters Point area. However, the Project Proponents have focused too much on development and glossed over the very real environmental and cultural impacts of their project. We ask that the lead agency not yield to political pressures and ensure that an adequate—and honest—environmental review is completed before the EIR is certified. The reasons for our position are set forth below.

I. INTRODUCTION

Golden Gate Audubon’s mission is to protect Bay Area Birds and other wildlife, and to conserve and restore native wildlife habitat. Golden Gate Audubon serves to connect people of all ages and

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Golden Gate Audubon Society comments
Re: Candlestick Point Hunters Point Shipyard Phase II Development Plan Project
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backgrounds with the natural world, and educates and engages Bay Area residents in the protection of our shared local environment. We have worked for years conducting conservation research, restoration, education and outreach along San Francisco's southern waterfront, including in the Hunters Point and Bayview communities. From 2003 through 2004, we organized community volunteers to conduct ecological surveys in the Yosemite Slough Watershed Survey (which is cited in several places in the DEIR). We also participated in and commented on the Hunters Point Constructed Storm Water Feasibility Study in July 2004. More recently, we worked to ensure adequate protections of Candlestick Point State Recreation Area and are now commencing a new ecological study of the park.

Golden Gate Audubon believes that there is inherent value in the natural environment, both for the current and future generations. In the highly urbanized San Francisco Bay Area, few natural resources remain available to wildlife and people who appreciate them. We assert that a flourishing, natural environment enriches all members of the community, not just those who watch birds, fish, hike, or engage in other nature-based activities. As author Richard Louv explains:

At the very moment that the bond is breaking between the young and the natural world, a growing body of research links our mental, physical, and spiritual health directly to our association with nature—in positive ways...As one scientist puts it, we can now assume that just as children need good nutrition and adequate sleep, they may very well need contact with nature.

(Richard Louv, *Last Child in the Woods*, Algonquin Books (2008), at p. 3). Obviously, the benefits of a healthy natural environment are also significant for adults and help to maintain better mental and physical health. (See, e.g., Centers for Disease Control, Physical Activity and Health: A Report to the Surgeon General (1996), at pp. 13-14, available at <http://www.cdc.gov/nccdphp/sgr/summary.htm>). If the City of San Francisco is intent on improving these areas, it must include adequate environmental protections and improvements to ensure a balance of nature and urbanization in this community. Notably, the DEIR completely fails to address environmental and cultural impacts resulting from a significantly higher and denser population using reduced open space and park lands in the area.

Many residents and visitors in the project area and its environs enjoy observing birds and other wildlife that rely on the abundant resources of the Bay and its shoreline. Birding is one of the fastest-growing outdoor recreational activities in North America, generating billions of dollars for businesses adjacent to bird watching destinations. See, e.g., US Fish & Wildlife Service, *Birding in the United States: A Demographic and Economic Analysis*, Report No. 2006-4 (available at http://library.fws.gov/Pubs/birding_natsurvey06.pdf) (finding that birders spent approximately \$36 billion in 2006 on equipment and birding-related trip expenditures, including travel, transportation, food, lodging, and user fees). Much of these expenditures occur in locales that birders visit to see birds and other wildlife. Protecting the birds and bird watching opportunities along Candlestick Point, Hunters Point and Yosemite Slough shoreline will benefit local residents and businesses and contribute to the overall success of the proposed project.

Unfortunately, the project as described in the DEIR misses several opportunities to protect or improve the natural environment in the area and some proposals will actively wreak significant (and unnecessary) environmental harm. For example, the proposal to build a bridge across San Francisco Bay from Hunters Point and through the Candlestick Point SRA would destroy the park's value and harm wildlife that depend on the area for survival. Our concerns about Yosemite Slough and the proposed bridge are discussed more fully below.

81-1

Golden Gate Audubon Society comments
Re: Candlestick Point Hunters Point Shipyard Phase II Development Plan Project
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II. SPECIFIC COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

A. The DEIR Fails to Account for All Significant Negative Impacts on Yosemite Slough that will Occur Because of the Project.

Yosemite Slough's humble appearance belies its ecological significant to plants, birds, aquatic organisms and other natural life that thrives in the area. Under the Bay Conservation & Development Commission's ("BCDC") San Francisco Bay Plan and McAteer-Petris Act authority, Golden Gate Audubon recommends that a bridge not be permitted over Yosemite Slough. (See III.B-12 to B-19 *BCDC SF Bay Plan and McAteer-Petris*) There are alternative upland routes for this vehicle and bicycle traffic around Yosemite Slough. A bridge would bring vehicle traffic, noise, air, water and light pollution to Yosemite Slough. There are plans to restore this wetland and a bridge though the wetland would severely limit restoration opportunities for wildlife. Shade from the bridge would also negatively impact the wetland, which is an important ecosystem unto itself and generates oxygen and can act as a highly efficient trapper of carbon. The proposed Yosemite Slough bridge also bypasses the new Third Street Light Rail and street improvements thus bypasses the existing businesses and community, contrary to III.B-34 to 36 Operational Impact LU-1 (*Implementation of the Project would not physically divide an established community. (No Impact)*)).

81-2

In 2004, Golden Gate Audubon released the *Final Watershed Report on Yosemite Slough Watershed Wildlife Survey*, which is quoted and relied upon in the DEIR. The 2004 report documented that the area provides valuable habitat for 118 native bird species, 6 mammal species, 5 reptile species, 1 amphibian species and 14 butterfly species. Despite that the area is highly altered and disturbed, the open water and shoreline habitats, undeveloped fields and park land support a great diversity of water birds and land birds. The small salt marsh along the shoreline of Yosemite Slough provides foraging habitat for many shorebirds, while the large open water areas provide loafing and foraging areas for large numbers of water birds as well as marine mammals. Upland areas provide habitat that supports land birds, and resting areas for shorebirds like killdeer and gulls. It is clear that habitat restoration would quickly increase the area's wildlife populations and provide opportunities for the local community to experience the native wildlife that once dominated the shoreline and adjacent waters of Yosemite Slough.

81-3

Yosemite Slough is recognized as an excellent site for habitat creation and restoration. (See California Coastal Conservancy, Yosemite Slough Restoration – Northern Area Construction, Staff Recommendations (October 5, 2006), also available at http://www.coastalconservancy.ca.gov/sccbb/0610bb/1006Board05_Yosemite_Slough_Restoration.pdf (finding that "The restoration site is part of the Pacific Flyway and serves as important foraging habitat for migrating and wintering shorebirds."), The Yosemite Slough Restoration Plan, a project of the California State Parks Foundation, would clean the area, restore habitat, and provide public access (incorporating the Bay Trail that will skirt the slough). *Id.*

The DEIR repeatedly refers to the bridge as if it is a necessary and presumed part of the Project. (See DEIR, e.g., Figure III B-6 *Proposed Lennar Land Use*, Figure III D-5; *Game Day Network* III D-45; Impact TR-1 *Construction Vehicle and Roadway*; TR 29 III D-117 *Bicycle Plan*; MM TR17 III D-99 Figure III D-13 *Stadium Game Day Traffic*; Figure III D-14 *Stadium Ingress Traffic*; Figure III D-15 *Stadium Egress Traffic*, Figure III P-2, Figure III D-6 Proposed Roadway Improvements; *et al.*) The negative environmental impacts to Yosemite Slough caused by the bridge far outweigh any marginal benefit of the bridge.

81-4

Gate Audubon strongly objects to the DEIR's characterization of the bridge over Yosemite Slough as an "improvement." As discussed further below, it will have a negative impact on the local environment,

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split the community, and unnecessarily cost millions of dollars to plan, build, and maintain. “Improvements” at the site would be something more in line with those planned by the California Coastal Conservancy and the California State Parks Foundation to create and restore natural habitat in the slough (see above).

81-4
cont'd.

1. The Possible Use for Transit to the Stadium Is an Insufficient Benefit Given the Environmental Costs.

The DEIR asserts that the bridge will serve to ferry fans to the stadium for approximately twelve games per year (if a professional football team agrees to stay in San Francisco). Secondary events at stadium may bring as many as 37,500 attendees. According to the DEIR, SFMTA is to determine if secondary events could use Yosemite Slough Bridge.

81-5

Golden Gate Audubon believes that it is extremely wasteful and unreasonable to invest approximately \$100 million dollars in a bridge intended to support traffic for only twelve event each year, particularly where the bridge will only save two to four minutes of travel time. Given the financial and environmental cost of the bridge, we believe it should be excised from the Project plan.

2. The DEIR Erroneously States that the Bridge Will Be Part of the Bay Trail.

The DEIR’s authors attempt to bolster the argument for a bridge over Yosemite Slough by asserting that the bridge will serve as a spur for the Bay Trail. (See Figure III.B-3 Bay Trail). However, the Bay Trail route is around, not through or over, Yosemite Slough. The ABAG Gap Analysis for San Francisco shows a gap in the SF Bay Trail around Yosemite Slough but does not propose an expensive bridge; instead the plan proposed that the trail continue around Yosemite Slough. The proposed cost for the Bay Trail segment #1026 is \$898,633 Category 1 - meaning funded with public money, for the construction, design and permit of 4,206 feet segment around Yosemite Slough. Golden Gate Audubon supports the continuation of the SF Bay Trail around Yosemite Slough as depicted on the map prepared by the ABAG Gap Analysis team (available at <http://baytrail.abag.ca.gov/gap-analysis/maps/SF.pdf>).

81-6

3. The DEIR Fails to Acknowledge All Impacts or Required Mitigations for the Bridge.

The DEIR discusses several potential impacts of the Yosemite Slough Bridge. Not surprisingly, the DEIR’s authors dismiss each as less than significant (with or without mitigation).

81-7

As an initial matter, Golden Gate Audubon strongly disagrees with the DEIR’s finding in Impact BI-4c, which states that construction of the bridge will not have significant impacts on adjacent wetlands or aquatic resources. This does not appear to be in compliance with the Clean Water Act or its implementing regulations. More importantly, it ignores that mudflats and tidal wetlands are habitats of significant importance and sensitivity, especially in San Francisco Bay. This DEIR must be revised to account for potential impacts from construction of the bridge, including increases in turbidity, pollution, stirring contaminated sediment, and other disturbances to the natural environment of the site.

Other impacts of particular concern to Golden Gate Audubon include:

- Impact of Yosemite Slough Bridge
- Impact HY-1c Construction of the Yosemite Slough bridge would not cause an exceedance of water quality standards or contribute to or cause a violation of



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waste discharge requirements. (Less than Significant with Mitigation) [Criterion M.a]

Combined Impact of Candlestick Point, Hunters Point Shipyard Phase II, and Yosemite Slough Bridge
Impact HY-1 Construction activities associated with the Project would not cause an exceedance of water quality standards or contribute to or cause a violation of waste discharge requirements. (Less than Significant with Mitigation) [Criterion M.a]

Impact HY-5: Storm Sewer System Capacity
Impact HY-5 Construction activities associated with the Project would not create or contribute runoff water that would exceed the capacity of existing or planned storm sewer systems or provide substantial additional sources of polluted runoff. (Less than Significant with Mitigation) [Criterion M.e]

Impact of Yosemite Slough Bridge
Impact HY-6c Implementation of the Yosemite Slough bridge would not contribute to violations of water quality standards or waste discharge requirements. (Less than Significant) [Criterion M.a]

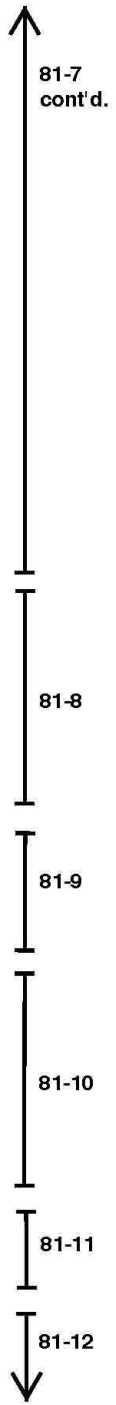
The DEIR fails to address the increased storm water pollution that will result from automobile, transit vehicle, cyclists, and pedestrians over the bridge. Each brings new opportunities to introduce pollutants such as heavy metals, toxic chemicals, trash, food waste, and other debris into Yosemite Slough. (See San Francisco Estuary Institute, *Transport of Contaminants to San Francisco Bay by Stormwater*, (available at http://www.sfei.org/rmp/rmp_news/Estuary%20Insert/Estuaryinsert.pdf). The mitigation measures set forth are too vague and in some instances (such as Impact HY-5), no mitigation measure at all are set forth. (See also Jesse R. Barber, Kevin R. Crooks and Kurt M. Fristrup, *The costs of chronic noise exposure for terrestrial organisms*.”.)

Pollution associated with traffic on the bridge will have a negative impact on the ecosystem of Yosemite Slough, including water quality, plants, wildlife, and aquatic organisms. (See *id.*) Moreover, it will negatively affect the aesthetics of the area by detracting from its more open character and introducing significant automobile traffic.

Specifically, Section III.N (*Biological Resources*) also fails to adequately address the impacts to Yosemite Slough (see III N-12). For example, the DEIR fails to acknowledge that the bridge will cause destruction by fill and dividing the 34 acres of the Yosemite Slough wetlands. The DEIR offers nothing about habitat fragmentation at the site and no information about whether the bridge and bridge traffic will affect the ability of wildlife to safely move through the area. Indeed, it offers no concrete information about impacts to wildlife, such as the effects on the proposed nesting islands for birds, the biological impacts of pollution intrusion and storm water runoff from the bridge, and the effects of lights and noise on the local wildlife.

Moreover, the DEIR does not provide enough information to fully evaluate the impacts of shading from the bridge over this portion of the slough. This may have impacts on existing flora and fauna and on the Yosemite Slough Restoration Plan (see above).

Finally, the DEIR fails to discuss the impacts to plant life in and around the slough due to the bridge. For example, how will coastal scrub habitat be affected by the bridge? Will there be plans to reduce and



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prevent invasion by weeds (facilitated by roadways)? What about erosion control and sediment deposition due to traffic? Finally, if revegetation will be necessary, how will it be accomplished? It is apparent that plant monitoring must be part of ensuring compliance with the DEIR, regardless of which alternative is selected.

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81-12
cont'd.

At a minimum, the DEIR should include a specific plan for the bridge that includes the bridge's height, width, length, materials, construction materials, and fill requirements. The plan should also indicate vegetation effects, lighting, and shading below the bridge. Finally, the plan must include adequate storm water and other pollution controls.

81-13

What are the impacts to the bird, amphibian, mammal, and butterfly species from the bridge? How will they adapt to the shade and lack of vegetation and division to the wetland? The DEIR should provide a diagram which depicts the proposed bridge height, width, and vegetation height, density, and cover. A diagram should depict shadow at various times during the day and the impact on the wetland. Another diagram should depict night lighting of the proposed bridge. At a minimum, we encourage the Project proponents to be required to follow guidelines for the bridge construction similar to those provided by the Arizona Game and Fish Department, in its *Guidelines for Bridge Construction or Maintenance to Accommodate Fish & Wildlife Movement and Passage* (November 2008), (available at <http://www.azgfd.gov/hgis/pdfs/BridgeGuidelines.pdf>)

81-14

Many of the impacts discussed above are not possible to adequately mitigate. Golden Gate Audubon asks that the DEIR be revised to reassess these impacts and provide a forthright accounting of impacts, possible mitigations, and non-mitigatable impacts.

81-15

C. Impacts to the San Francisco Bay

1. The DEIR Understates Impacts from Fill into the Bay as a Result of the Project.

81-16

The DEIR understates potential impacts to the Bay and incorrectly asserts that the Project is entirely consistent with the Bay Plan. For example, the DEIR states:

The Project is also consistent with the Bay Plan policies to minimize Bay fill and to preserve the shoreline for uses that are regionally important, water-oriented uses needing or historically located on shoreline sites, such as ports, water-related industry, water-related recreation, airports, and wildlife refuges. The Project involves minimal filling associated with the Yosemite Slough bridge, a marina and improvement of the existing shoreline, waterfront bulkhead, piers and seawall structures.

(DEIR, at III.B-15). Notably, the DEIR goes on to state that the Project will require an amendment to the Bay Plan. Therefore, the Project is clearly not consistent with the Bay Plan and will not be until the Bay Plan is altered to fit the needs of this project. (*Id.*) We feel that the required amendment is not adequately described in the DEIR and that the potential changes to the Plan (and subsequent impacts to the Bay) cannot therefore be adequately assessed by the DEIR.

2. The DEIR Fails to Adequately Assess Impacts to Offshore Eelgrass Beds

81-17

Sections III.N-2 (Study Area Habitats) and III.N-10 (Eelgrass Beds, at p. III.N-20)) briefly describe eelgrass beds adjacent to the Project, but the DEIR fails to adequately address the risks to eelgrass. As the DEIR notes, the eelgrass beds are important for many species of wildlife and have been designated as

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sensitive by regulatory agencies (*See* p. III.N-20). Culturally, this site was also once an important source of food for Native American inhabitants in the area.

High turbidity, pollution, bay fill, and other human-caused disturbances have resulted in significant declines in eelgrass beds in the Bay, thereby reducing important breeding and foraging habitat for many species of birds and fish.

The DEIR fails to explain how the Project complies with the BCDC Eelgrass Recommendations Report and Restoration Goals for San Francisco Bay. (*See* Bay Conservation & Development Commission, available at http://www.bcdc.ca.gov/planning/shg/SFSU_Boyer_EelgrassReport.pdf); *see also* Cal. Dept. of Fish & Game, available at http://www.dfg.ca.gov/marine/status/submerged_aquatic_plant.pdf)

The DEIR should also include mitigations to reduce impacts to adjacent eelgrass beds that include, but are not limited to, signage to inform residents and visitors of the importance and sensitivity of the habitat.

D. Impacts to Candlestick Point State Recreation Area

Clearly, the Candlestick Point State Recreation Area (CPSRA) will be significantly impacted by any construction of a bridge over Yosemite Slough (see above). Beyond that, the DEIR fails to adequately describe the natural values of the CPSRA. First, Fig III N.2 Candlestick described the park's vegetation as unnaturally landscaped with ornamentals. Yet, the park supports important native plants such as oak and coyote brush, which provide significant habitat for birds, butterflies and other native wildlife. The DEIR also undervalues the CPSRA's diversity of birds and suffers from a very limited biological assessment of the area (*See* III.N.2, admitting that the biological surveys were conducted on only two days). It appears to Golden Gate Audubon that the Project Proponents did not take a hard look at the values of the CPSRA or the impacts to the park that will result from the Project.

For example, DEIR Impact BI-6: Birds, Impact of Candlestick Point (*Construction at Candlestick Point would not have a substantial adverse effect, either directly or through habitat modifications, on any bird species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS. (Less than Significant with Mitigation)*) focuses on nesting hawks and burrowing owls yet there are other nesting birds that should be considered in this report. Breeding birds include Double-crested Cormorants, Black Crowned Night Herons, Mallards, Snowy Egrets, Great Egrets, Red-tailed Hawks, American Kestrel, Killdeer, Black Oystercatcher, American Avocet, Black-necked Stilt, Western Gull, Caspian Tern, Forester's Tern, Rock Pigeon, Morning Dove, Barn Owls, White-throated Swift, Anna's Hummingbirds, Loggerhead Shrike, Western Scrub Jay, American Crow, Common Raven, Barn Swallow, Bushtit, American Robin, Northern Mockingbird, European Starling, Orange-crowned Warbler, California Towhee, Savannah Sparrow, Song Sparrow, White-crowned Sparrow, Red-winged Black Bird, Western Meadowlark, Brewer's Blackbird, Hooded Oriole, Bullocks Oriole, House Finch, Lesser Goldfinch, House Sparrow, American Goldfinch. (*See* San Francisco Field Ornithologist Breeding Bird Atlas 2003 Draft, 165 p., available at <http://sffo1.markeaton.org/Breeding%20Ecology/San%20Francisco%20Breeding%20Bird%20Atlas.pdf>). The DEIR's accounting of the bird diversity at the CPSRA is inexcusably sparse.

The DEIR also fails to address the impacts to the CPSRA that will result from being used by a much larger and denser local population. Increased use of the park will inevitable inflict damage on its natural resources, reducing native vegetation, leaving pollution, and disturbing wildlife.

81-17
cont'd.

81-18

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Moreover, the CPSRA will be significantly reduced in size as a result SB 792, which was enacted as a favor to the Lennar Corporation and the City of San Francisco in a public land-for-cash swap. (See III.B-9). The DEIR fails to address how the increased use on reduced lands can be adequately mitigated.

2. Impacts from Increased Use of the Area by Domestic Pets and Feral Animals

Certainly, if successful, the proposed project will significantly increase the human population of the area. With that comes an increased number of domestic pets, particularly cats and dogs. Golden Gate Audubon supports the national *Cats Indoors* initiative, which promotes longer-living and healthier cats and reduces the extremely negative impacts to local wildlife that outdoor cats have. (See American Bird Conservancy, *Cats Indoors: The Campaign for Safer Birds and Cats*, available at <http://www.abcbirds.org/abcprograms/policy/cats/index.html>). We also promote reasonable leash requirements for dogs, particularly in ecologically sensitive areas such as areas adjacent to Yosemite Slough, the Candlestick Point State Recreation Area, and along the Bay shoreline. We recommend residents keep domestic pet food inside to prevent wildlife access to this food. (See California's Department of Fish & Game: <http://edis.ifas.ufl.edu/uw090> and http://www.dfg.ca.gov/wildlife/nongame/nuis_exo/dom_cat/index.html, and <http://www.dfg.ca.gov/keepmewild>).

3. Impacts from Increased Trash and Food Waste

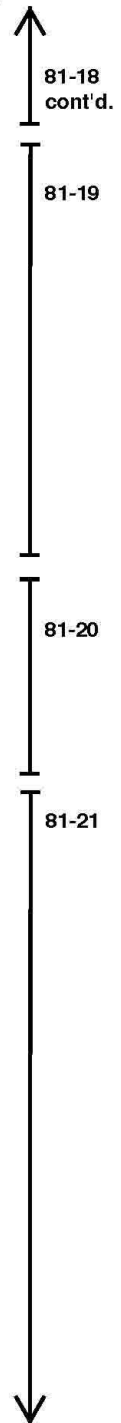
The DEIR fails to discuss the impacts to the CPSRA resulting from increased use, such as higher levels of trash and food waste, both of which degrade the aesthetics of the park and subsidize populations of bird species such as the Common Raven, American Crow, European Starling and mammals such as rats, feral cats, and raccoons, all of which can have significant negative impacts on native birds, mammals and other local wildlife.

E. Other Impacts to Local Birds and Other Wildlife and Wildlife Habitat

The DEIR fails to adequately assess impacts to birds and other wildlife in the area. The DEIR appears to minimize the importance of the area to birds by describing their populations as "limited". It must be remembered that the Yosemite Slough census involved only a small part of the overall area that will be affected by the project. The Yosemite Slough may appear to be degraded habitat, but it is within the larger Candlestick Point State Recreation Area and adjacent to the Hunters Point Shipyard shoreline of San Francisco Bay. Large flocks of waterbirds and shorebirds use the shoreline in winter (See III.N-13). Moreover, the California State Parks Foundation is in the process of improving and restoring 34 acres directly adjacent to the proposed bridge over Yosemite Slough.

Golden Gate Audubon strongly objects to the DEIR's dismissal of California Species of Special Concern as worthy of consideration and protection "only when breeding" (See p. III.N-21). Notably the citation depended upon by the DEIR does not support this argument. The Species of Special Concern designation is intended to be a tool to identify and protect birds before they must be listed as Threatened or Endangered. It is absolutely foolhardy to dismiss conservation concerns about any species because it does not breed (again, based on the DEIR preparer's extremely limited biological surveys) in the Project area. This must be addressed and corrected before the EIR can be certified.

As Section III.N-37 notes, the Project area lies along the Pacific Flyway, the most important waterbird and shorebird migratory route in western North America. Of species found in the area, eleven bird species that occur in the area are on the Audubon Watch List. Fourteen bird species documented at the



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site are listed by Audubon as “Common Species in Decline”. Examples of the Common Species in Decline documented at Hunters Point and Candlestick SRA are the Loggerhead Shrike which has declined 71%; the Greater Scaup which has declined 75% and Lark Sparrow which has declined 63%. Specific actions called for in the National Audubon report for protecting these species includes protecting local habitat, protecting wetlands, fighting global warming and combating invasive species. Some of these actions are being called for in this project. (See National Audubon Society, *The Audubon Watchlist*, <http://web1.audubon.org/science/species/watchlist/browsewatchlist.php>; see also National Audubon Society, *Watchlist Technical Report*, <http://web1.audubon.org/filerepository/science/speciesprofiles/watchlist/files/TechnicalReport.pdf>; North American Bird Conservation Initiative, *The 2009 State of the Birds*, available at <http://stateofthebirds.audubon.org/cbid/browseSpecies.php>).

Impact BI-6b (Construction at HPS Phase II would not have a substantial adverse effect, either directly or through habitat modifications, on any bird species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS. (Less than Significant with Mitigation)) focuses only on the Peregrine Falcon. There are many other birds that rely on the area (see above).

The DEIR fails to assess impacts to raptors in the Project area and its environs. Impact BI-7: *Foraging Habitat for Raptors (Construction at Candlestick Point would not have a substantial adverse effect on the quantity and quality of suitable foraging habitat for raptors. (Less than Significant))* underestimates effects on raptors. The construction and development of these sites at Hunters Point and Candlestick and planting of 10,000 trees will negatively impact raptor foraging areas. The raptors depend on a variety of rodent and insect species which will be disturbed and destroyed during the construction of Hunters Point Shipyard and Candlestick. The new grassland areas may benefit some raptors (ex. American Kestrel, Red Tailed, Red-shouldered Hawks, Barn and Great Horned Owls) and new wetland restoration at Yosemite Slough and other wetland areas may benefit the Northern Harrier. New trees will not have tree cavities which American Kestrels and other cavity nesting birds require. A plan for suitable nesting boxes (correct size for species) for appropriate species in the appropriate locations (height and direction to available prey) as well as monitoring to ensure that the boxes are not inhabited by non-native species and maintenance so that the of nesting boxes can be used for years as the native trees grow may help. Other raptors that require trees of certain height with the strength to support large stick nests will take years to grow. Ground squirrels and other rodents are primary food sources for many raptor species. These animals will suffer when their burrows will likely be negatively impacted by the construction and development or when “animal control” efforts become necessary due to demands of increased human population in the area. The DEIR fails to adequately assess these impacts.

Impact BI-7b (*Implementation of the Project at HPS Phase II would not have a substantial adverse effect on the quantity and quality of suitable foraging habitat for raptors. (Less than Significant with Mitigation)*) appears to ignore the fact that the Project would result in a loss or alteration of 43 acres of grassland would alter the foraging areas that resident and migratory raptors depend on at Hunters Point and Candlestick. Again, the DEIR’s failure to assess these impacts is glaring and constitutes a fatal flaw in the document.

Finally, the DEIR fails to adequately assess the impact of the construction of tall buildings in the area. (See III B-39 III B-40). Currently there are 20 foot buildings and industrial warehouses. The development will bring new buildings of 270 to 370 feet. Taller buildings, especially those with a lot of clear, glass windows and that may be lit at night pose significant threats to many bird species, especially migratory birds (that are protected by the Migratory Bird Treaty Act). The DEIR fails to assess impacts to birds that will result from new construction of tall buildings in the area.



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Bird-friendly building design resources include:

- **City of Chicago Bird-Safe Building Design Guide**
<http://www.birdsandbuildings.org/docs/ChicagoBirdSafeDesignGuide.pdf>
- **Bird-Friendly Development Guidelines** (City of Toronto Lights Out Program)
<http://www.birdsandbuildings.org/docs/TorontoDevelopGuidelines.pdf>
- **Bird-Safe Building Guidelines** (NYC Audubon Program)
<http://www.birdsandbuildings.org/docs/BirdSafeBuildingGuidelines.pdf>

F. Other Environmental Impacts that Are Not Addressed by the DEIR.

1. Comments Regarding Section III.B-32 Sustainability Plan

While the project calls for planting 10,000 (mostly native) trees it does not detail the type of trees. We recommend that native trees which are suited to the local geography and weather and have habitat value for native species of insects, birds, and other wildlife be planted to enhance this site. The BCDC Shoreline Design Guidelines are a recommended resource for this planning and can be found at <http://www.bcdc.ca.gov/pdf/planning/PADG.pdf>

The project did not appear to consider the Hunters Point Constructed Storm Water Wetland Feasibility Study prepared for the Golden Gate Audubon Society, Final Report – July 2004.

Based on this study we make the following twelve conclusions and recommendations which are discussed in more detail in Section 7 of the report:

- The development of new wetlands in Parcel E will comply with several of the guidelines set forth in the Hunters Point shipyard Citizen’s Advisory Committee redevelopment plan.
- Remediation of the site should take into consideration the concerns and needs of the community living in and around the shipyard, with a focus on potential health effects.
- A properly constructed and operated wetland could result in an improvement in water quality in the San Francisco Bay by capturing and treating pollutants and sediment in storm water before they reach the Bay.
- Several issues exist related to the ability of the industrial landfill to contain waste and not function as a source of continued contamination to the area. Many of the issues and uncertainties would be ameliorated if the landfill was removed and replaced with a wetland.
- A permanent freshwater wetland system is the preferred alternative for Parcel E at Hunters Point. This alternative meets the multiple objectives of the project including year-round recreational opportunities, year-round habitat for wildlife, and storm water treatment.
- 46 acre-feet of make-up water are needed for the proposed wetland from April through October. The most suitable source of make-up water is recycled water from a satellite wastewater treatment plant proposed for the Hunters Point shipyard.
- A liner system should be installed between the wetland bottom and the existing soils on the site in order to isolate the wetland from contaminated ground water and soils.
- Any wetland design should include a forebay with easy drainage and access capabilities to capture, trap and remove contaminated sediment from storm water and keep it out of the wetland.
- To save money and ease construction, clean soils already on site should be used to fill in the excavated landfill after removal of the waste and to construct a liner to protect the wetland from underlying groundwater and soils.

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- Wetlands can be designed and maintained to keep mosquito populations to a minimum by eliminating hydraulically static areas, controlling water level, disturbing water surface, minimizing anaerobic zones, and creating access for natural mosquito predators.
- Total construction costs are estimated at \$1 million and annual O&M cost is estimated at \$40,000. This estimated O&M cost is far below the current costs associated with management of the industrial landfill, which likely exceed \$400,000 per year.

(See: http://www.goldengateaudubon.org/wp-content/uploads/Storm_Water_Wetland.pdf)

81-22
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2. Comments Regarding Native Plants and Other Terrestrial Flora

Coyote Bush is mentioned in Yosemite Slough and other areas. This plant is also found in Candlestick Point SRA. Coyote Brush is an important plant for San Francisco's coastal scrub habitat. In the state it only exists in 15% of its former area due to agriculture and development. This plant has been used for restoration and is important for local wildlife for food and resting. (See: http://www.calflora.org/cgi-bin/species_query.cgi?where-calrecnum=1031)

81-23

Native trees and plants on which native species of bird, butterflies and other wildlife depend include the Coast Live Oak, Toyon, Flannel bush, California Buckeye, California Bay, Elderberry, Monterey Pine, native grasses. Native shrubs include coyote bush, ornamental buckbrush (*Ceanothus* spp.), firethorn (*Pyracantha* spp.), coffeeberry (*Rhamnus californica*), hummingbird sage (*Salvia spathacea*), and black sage (*S.mellifera*). Native plants were historically used by the Native Americans for a variety of uses. Native plants should be planted and educational signage or materials for the residents and visitors to understand the importance of these plants and why they are a key to keeping a healthy local environment. Today birds and other wildlife depend on native plants for food or shelter or to roost,

Section III.N-9 (Salt Marsh) fails to adequately discuss salt marsh plants. Saltwater plants of habitat importance include salt grass (*Distichlis spicata*), European sea rocket (*Cakile maritima*), coastal gumweed (*Grindelia stricta*), and sea lavender (*Limonium californicum*) and upland shrub silver beach bur (*Ambrosia chamissonis*). A coastal plant ecologist should provide a plan for the marsh restoration. The plan should be monitored

3. Comments Regarding Open Space

81-24

Golden Gate Audubon is disappointed not to see more park and open space included in the Project plan (See III.N-3 *Park and Open Space*). The DEIR states the current ratio of parks to people in this area is 108 acres per 1000 residents. (See III.P-29). The new proposal is for 13.7 acres per 1000 people yet still within City's General Plan 5.5 acre guidelines. Golden Gate Audubon supports the largest possible area for parks and open space for people and wildlife within San Francisco.

We strongly urge the planting of native grasses and plants where ever possible. Moreover, we strongly recommend that natural grass playing fields and open space be installed instead of synthetic turfs, which contain heavy metals that can leach to groundwater and into storm water.

Moreover, all communal open space should include designated, fenced, dog play areas with waste bag dispensers and covered trash containers away from the shoreline, known bird nesting areas, and wetlands. Dogs should be on leash in other areas of the community and in the State Recreation Area since these are sensitive habitat areas for birds, plants and other wildlife.

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Section III P-G discusses new open space, but is vague in terms of the number of new parks and open space acreage. The DEIR describes the 150 acres of Candlestick Park State Recreation area, which already exists. Moreover, Senate Bill 792 (Leno) reduced the CPSRA by approximately 23 acres in a cash-for-public land swap to benefit the Lennar development at Candlestick Point. Sixty-eight acres of park land described in the DEIR is actually a capped, formerly toxic area that is dedicated to stadium and event parking. A parking lot is not legitimate recreational or wildlife open space.

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Finally, the DEIR fails to address the effects of sea level rise on the open space and park land that are included in the Project. Rising sea levels will significantly alter the shoreline and require certain remediation measures to protect the new development. *See:* Bay Conservation & Development Commission, http://www.bcdc.ca.gov/planning/climate_change/maps/16_55/cbay.pdf We believe the DEIR's failure to adequately address sea level and other climate change issues is a significant weakness of the DEIR.

81-25

Golden Gate Audubon also disagrees with the proposition asserted in Impact RE-2 (*Implementation of the Project would not increase the use of existing parks and recreational facilities that would cause the substantial physical deterioration of the facilities to occur or to be accelerated, nor would it result in the need for, new or physically altered park or recreational facilities.*) (Less than Significant with Mitigation)) The DEIR projects that 24,465 new residents in the area will increase the use of existing parks and open space. The current ration of parks to people is 108 acres per 1000 residents; the new proposal will result in 13.7 acres per 1000 residents. We would ask that this discrepancy be clarified in the final EIR.

81-26

a. Comments Regarding Specific Parks

81-27

The Grasslands Ecology Park and designated large dog play should be very distinct with separation, fencing, and signage. The details provided were vague in terms of the location of each site. The Grassland Ecology Park will be very beneficial to native plant, bird, butterfly, and other species. Within the Grasslands Ecology Park visitors should have sufficient covered trash containers so that wildlife will not have access to human food. Also within the Grasslands Ecology Park dogs need to remain on leash to prevent erosion, damage to plants, and disturbances to wildlife.

Alice Griffiths Community Park

Golden Gate Audubon supports the community garden and the fenced and designated dog play area. What is the definition of a specimen tree?

Candlestick Point Neighborhood Park

We support the community garden and community area for outdoor recreation which is separate from the Candlestick SRA. A fenced and designated dog play area at either this park and/or the Bayview Gardens Wedge Park is provided if these residents have pets.

Bayview Gardens Wedge Park

We support this community park.

Mini Wedge Park

We support this park within the residential development area. The dog run is supported but should be fenced to be distinct from the other areas of the park. What are the implications of runoff after bio swale treatment into the Candlestick SRA? How often will the bio swale be monitored and maintenance conducted?

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Median Boulevard Parks

Golden Gate Audubon encourages the boulevard parks proposed.

G. Conflicts with Plans, Policies or Regulations.

Section III.B-36-39 addresses conflicts with other plans, policies or regulations. Notably, Impact LU-2 (*Implementation of the Project would not conflict with land use plans, policies, or regulations adopted to avoid or mitigate an environmental effect. (Less than Significant)*) is erroneous. The plan for the proposed bridge over Yosemite Slough is inconsistent with BCDC and SF Bay Trail plans.

H. The DEIR's Biological Assessments Were Insufficient and Fail to Reflect the Biodiversity of the Area.

The biological assessments were conducted on 3 days, one day in August, 2007 one in May, 2008 and one in July, 2008. (*See III.N.2 Biological Resources: Setting; see also III.N.3 Biological Review*) These were drought years in California so species were likely low. The limited survey times also neglected to capture the many species of migratory birds in the spring and fall as well as the birds that spend the winter in this site. Large flocks of a variety of bird species use the Pacific Flyway each spring and fall. A variety of shorebirds and waterfowl depend on this habitat each winter. The records from Golden Gate Audubon's Yosemite Slough Survey in 2003-2004, the San Francisco Field Ornithologist records for the Hunters Point Block and Golden Gate Audubon's Christmas Bird Count Data should also be reviewed for additional documented bird species that depend on Hunters Point and Candlestick SRA.

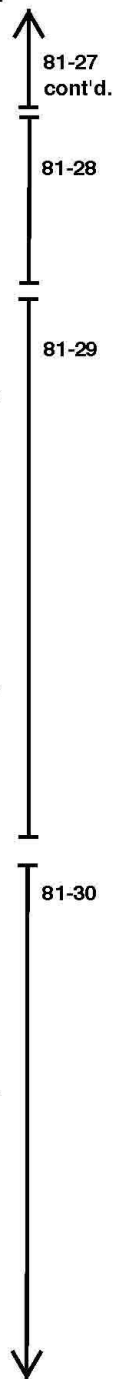
In 2000 the US Navy provided a list of Bird Species Potentially Inhabiting Hunters Point Shipyard see Hunters Point Constructed Storm Water Wetland Feasibility Study page 2-7 including the Western Snowy Plover, Peregrine Falcon, California Black Rail, California Clapper Rail, California Least Tern, Swainson's Hawk, Clarks and Western Grebe, Tri Colored Blackbird, Burrowing Owls, Barrows Goldeneye, Common Loon, Sharp Shinned Hawk, Loggerhead Shrike, California Gull Alameda Song Sparrow, Long-billed Curlew, and Double-crested Cormorant. See table for federal and state status of these species.

I. The DEIR's Descriptions of Lighting Impacts Are Vague and Confusing.

All lights that are installed as part of the Project should include measure to reduce light pollution and light "spill" above the horizontal plane of the light fixture. The DEIR and Project plans should also include requirements that light fixtures be shielded to reduce light pollution and, where practicable, require the use of light sources with a CCT no higher than 3000K. Golden Gate Audubon requests a curfew on public lights installed as part of the Project to reduce unnecessary illumination in the area.

Section ES-33 address stadium lighting. Golden Gate Audubon strongly encourages that any new lighting at the stadium be installed with measures that reduce light pollution and conserve energy.

Section MM AE-7a.1 (*Lighting Direction/Fixtures and Screening Walls to Minimize Glare and Light Spill.*) states that the Project Applicant "shall ensure that all parking lots and other security lighting shall be directed away from surrounding land uses and towards the specific location intended for illumination" and that "[s]tate-of-the-art fixtures shall be used, and all lighting shall be shielded to minimize the production of glare and light spill onto surrounding use." Golden Gate Audubon supports these measures and reiterates that any new lighting fixtures should also include measures to promote energy conservation.



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Currently, Golden Gate Audubon does not believe that Impact AE-7b (*Implementation of the Project at HPS Phase II would not create a new source of substantial light or glare that would adversely affect day or night views in the area or that would substantially impact other people or properties.*) is accurate. We anticipate that a development of the size anticipated by the Project in the area will significantly increase the background illumination in the area. Moreover, we recommend that the "night views" to specifically mention night sky visibility.

We also find PS MM AE-7b.1 (*Testing of the Field-Lighting System.*) and MM AE-7b.2 (*"Stadium Lighting Orientation and Cut-Off Shields."*) to be vague. The DEIR states that the Stadium Operator shall test installed lighting systems to minimize of light spill. We request that the DEIR be more specific as to what constitutes "operating requirements in the stadium" and "obtrusive spill". We recommend that the DEIR and Project plan include specific language that specifies the maximum acceptable light spill from the stadium. The DEIR should also include provisions that the stadium lighting be "fully shielded" or "fully cut off".

III. CONCLUSION

The proposed changes to the this community and the surrounding area will be significant and irrevocable. We ask that the lead agencies consider these comments and those of other community members and organizations and ensure that this environmental review is comprehensive and includes measurable and enforceable mitigation measures.

Thank you for this opportunity to comment on these plans. Please feel free to contact me at (510) 843-6551 or via email at mlynes@goldengateaudubon.org to discuss any of these comments and recommendations further.

Best regards,



Mike Lynes
Conservation Director

Cc: Saul Bloom, Arc Ecology
Laura Thompson, San Francisco Bay Trail
Peter Brastow, Nature in the City
Jake Sigg, California Native Plant Society
David Goggin, San Franciscans for Smart Lighting
Arthur Feinstein, Sierra Club

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■ Letter 81: Golden Gate Audubon Society (1/12/10)

Response to Comment 81-1

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the Project's potential effects on wildlife.

Response to Comment 81-2

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the Project's potential effects on biological resources of Yosemite Slough. The proposed bridge would run parallel to Third Street—about 0.7 mile to the east of Third Street—so there is no way that it cannot bypass the existing community and businesses on Third Street. However, it is at the eastern-most edge of San Francisco in an undeveloped area, and, therefore, could not possibly divide an “established community.” Physical division of an established community means that one part of a community is completely cut off from another part, in that the residents/patrons of each portion could not physically travel from one part to the other. This would not occur under the Project.

Response to Comment 81-3

This comment contains introductory or general background information on existing wildlife use of Yosemite Slough and the benefits of the Yosemite Slough Restoration Project, and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 81-4

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the Project's potential effects on biological resources of Yosemite Slough and to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for a discussion of the traffic-related justification for the bridge.

Response to Comment 81-5

The transportation-related benefits of the proposed Yosemite Slough bridge extend beyond transit and auto access to the stadium. Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for discussion of benefits of bridge to transit overall (including non-game days) and to bicycle and pedestrian connectivity between the Hunters Point Shipyard and the Candlestick Point development areas.

Response to Comment 81-6

Refer to Responses to Comments 31-9 and 31-11 for a discussion of the Bay Trail alignment.

Response to Comment 81-7

The commenter disagrees with the Draft EIR's findings that the Yosemite Slough bridge will not have significant impacts on nearby aquatic resources and that the Draft EIR should be revised to address bridge

construction impacts, including increases in turbidity, pollution, mobilization of contaminants in water, and other disturbances to the natural environment related to the Project.

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of potential effects of the bridge on Yosemite Slough, the Yosemite Slough Restoration Project, and wildlife use of the area.

As discussed in the Impact BI-4c starting on page III.N-67 of the Draft EIR, construction of the bridge is expected to affect wetlands and aquatic habitats, and therefore, mitigation measures are prescribed to mitigate potentially significant impacts to less than significant levels (MM BI-4a.1, MM BI-4a.2, and MM BI-4c). Mitigation measure MM BI-4a.1 requires the Project Applicant to obtain a CWA Section 404 permit, a CWA Section 401 Water Quality Certification, and a CWA Section 402 National Pollutant Discharge Elimination System permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities. By obtaining CWA permits and certifications and complying with their conditions, construction of the bridge would be in compliance with the CWA and its implementing regulations. In addition, complying with the conditions of the CWA permits would reduce impacts from increased turbidity, pollution, mobilization of contaminants in water, and other disturbances to the natural environment to a less than significant level.

The commenter also expresses concern regarding four impact statements included in the Draft EIR, but does not state what these concerns are. The commenter's concern regarding these impacts statements is noted.

Response to Comment 81-8

The Draft EIR addresses increased stormwater pollution resulting from bridge operation, including pollution originating from automobiles, transit vehicles, cyclists and pedestrians. The Draft EIR states on page III.M-92 that:

Stormwater runoff from the Yosemite Slough bridge and discharges of materials from bridge maintenance activities would not cause or contribute to an exceedance of water quality standards. Primary pollutants of concern in stormwater runoff from transportation-related land uses include fuels, PAHs, sediment, metals, and litter and debris. ...

The primary pollutant associated with pedestrians and cyclists is trash and the primary pollutants associated with automobiles and transit vehicles include fuels (and associated constituents such as PAHs), sediment, and metals.

Automobiles would only be a source of stormwater pollutants on game days, which would occur twelve days out of the year, because the bridge would only allow automobile traffic on game days. Game days are currently scheduled from September through early December, with the post-season extending through January, and therefore would only occur during a portion of the rainy season (the rainy season is typically defined as October 1 through May 31).

The Draft EIR states, on page III.M-92, that:

... Impacts from bridge operation would be reduced via compliance with the existing stormwater runoff programs. ...

Existing stormwater runoff programs are the Phase II Municipal Stormwater General Permit, and local requirements for incorporating site design, source control, and treatment control BMPs into the project (which are subject to approval by the SFPUC). The existing stormwater runoff programs would address potential new pollutants introduced into Yosemite Slough from operation of the bridge. Increased pollution from transit vehicles, pedestrians, and cyclists would be addressed under the Post-Construction Storm Water Management in New Development and Redevelopment element of the Municipal Stormwater General Permit, and implemented through compliance with SFPUC's San Francisco Stormwater Design Guidelines. As described on pages III.M-47 to III.M-48 of the Draft EIR, the San Francisco Stormwater Design Guidelines require capture and treatment of a precipitation depth of 0.75 inch in volume-based BMPs (such as a detention basin), or a rainfall intensity of 0.2 inch per hour for flow-based BMPs (such as a vegetated swale). The City's requirements for stormwater treatment comply with the Maximum Extent Practicable performance standard in the Municipal Stormwater General Permit, which requires that the City ensure that controls are in place that would prevent or minimize water quality impacts from development projects.

As described in Chapter II (Project Description) on page II-38 of the Draft EIR, the Yosemite Slough bridge would be constructed with a 40-foot-wide greenway, which would be converted to automobile travel lanes on 49ers game days only. The greenway would also be designed to provide treatment for stormwater pollutants associated with automobiles, and reduce the impacts of vehicle-related stormwater runoff to a less-than-significant level. Runoff from the transit vehicle lanes would be routed to the greenway, and/or to land-based stormwater treatment controls such as swales. The stormwater treatment components for the bridge would be described in the Project Stormwater Control Plan, which is subject to approval by the SFPUC.

In addition, the Pollution Prevention/Good Housekeeping for Municipal Operations element of the Municipal Stormwater General Permit would address increased pollutants from transit vehicles, pedestrians, and cyclists, because the Permit requires the City to implement a program to reduce the amount and type of pollution that collects on streets and roads. The City would likely implement a street sweeping program to comply with this element of the Permit, and street sweeping would reduce the sediment, litter, debris and oil and grease on the bridge that could potentially be discharged in stormwater runoff. Compliance with existing stormwater runoff programs would reduce the impacts from bridge operation to a less-than-significant level, and therefore no mitigation is required.

In response to the comment and to clarify the elements of the Project related to the bridge and stormwater runoff, the Draft EIR text on page III.M-92 (Impact HY-6c) has been revised as follows:

Stormwater runoff from the Yosemite Slough bridge and discharges of materials from bridge maintenance activities would not cause or contribute to an exceedance of water quality standards. Primary pollutants of concern in stormwater runoff from transportation-related land uses include fuels, PAHs, sediment, metals, and litter and debris. The pollutants could originate from automobiles, transit vehicles, cyclists, and pedestrians. Automobiles would only be a source of stormwater pollutants on game days, which occur twelve days out of the year, because the bridge would only allow automobile traffic on game days. As described in Chapter II (Project Description) on page II-38, the Yosemite Slough bridge would be constructed with a 40-foot-wide greenway, which would be converted to automobile travel lanes on 49ers game days only. The greenway would also provide vegetative treatment for stormwater pollutants associated with automobiles, and would reduce the impacts of automobile-related stormwater runoff to a less than significant level. Runoff from the transit vehicle lanes would also be routed to the greenway and/or to land-based stormwater

treatment controls such as swales. The stormwater treatment measures for the bridge would be described in the Project's Stormwater Control Plan, which is subject to SFPUC's approval.

Bridge maintenance activities such as welding and grinding, sandblasting, and painting can also adversely affect water quality if materials generated from maintenance are allowed to discharge into the Bay. It is anticipated that bridge operation would be under the jurisdiction of the City, and thus stormwater runoff mitigation would be performed under the Municipal Stormwater General Permit, which requires development of a pollution prevention program for municipal operations. The municipal operations program would also include street sweeping to remove litter and sediment-associated pollutants generated by transportation land uses.

Pollutants generated from transit vehicles, cyclists and pedestrians would also be addressed under the pollution prevention program for municipal operations implemented by the City. The pollutants would also be reduced through compliance with local stormwater treatment requirements (i.e., San Francisco Stormwater Design Guidelines), which were put into effect to comply with the new development requirements in the Municipal Stormwater General Permit.

Impacts from bridge operation would be reduced via compliance with the existing stormwater runoff programs, specifically, elements of the Municipal Stormwater General Permit, and local requirements for stormwater treatment measures that would be subject to approval by the SFPUC. Operation of the Yosemite Slough bridge would not cause an exceedance of water quality standards or contribute to or cause a violation of waste discharge requirements and a less than significant impact would result. No mitigation is required.

In response to the comment and to clarify the elements of the Project related to the bridge and stormwater runoff, the Draft EIR text on page II-38 (Project Description) has been revised as follows:

5. **Yosemite Slough Bridge.** A new Yosemite Slough bridge would extend Arelious Walker Drive from Candlestick Point to Hunters Point Shipyard. The 81-foot-wide, seven-lane bridge would cross the slough at its narrowest point and would primarily function for transit, bicycle, and pedestrian use. Figure II-12 illustrates the bridge location. The bridge and its approach streets would have two dedicated 11-foot-wide BRT lanes and a separate 12-foot-wide Class I bicycle and pedestrian facility, which would be open at all times. The bridge would also have a 40-foot-wide greenway, which would be converted to four peak direction auto travel lanes on 49ers game days only. Those four lanes would be open on game days to vehicle traffic in the peak direction of travel. The roadway would be planted with grass and would serve as an open space amenity on all non-game days. Two-foot-tall barriers would separate the BRT lanes from the bicycle/pedestrian plaza and the vehicle lanes. The greenway would be designed to function as a stormwater treatment control facility for the auto travel lanes. Runoff from the BRT lanes would also be routed to the greenway and/or to land-based stormwater treatment facilities, in accordance with the City's requirements for stormwater treatment.

Response to Comment 81-9

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the project's potential effects on biological resources of Yosemite Slough. Due to the low volume of traffic that will be using the bridge, as described in Master Response 3, significant impacts to Yosemite Slough from traffic-related pollution are not expected to occur.

Response to Comment 81-10

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the Project's potential effects on biological resources of Yosemite Slough.

Response to Comment 81-11

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the potential effects of shading on biological resources of Yosemite Slough.

Response to Comment 81-12

The commenter suggests that plant life, including coastal scrub, may be affected by the bridge and asks whether the project will prevent invasion by weeds, erosion, and sediment deposition due to traffic on the bridge. The commenter also asks how revegetation will be accomplished.

A small amount of coastal scrub dominated by coyote brush will be impacted at the southern approach to the Yosemite Slough bridge. However, this regionally abundant plant species and habitat type will continue to be present in other shoreline areas, and some restoration/creation of such habitat is planned. Revegetation efforts are described in the Draft Parks, Open Space, and Habitat Concept Plan provided in Appendix N3 of the Draft EIR. That Plan also describes the process by which invasive plants will be removed, monitored, and controlled on the site. Traffic use of the bridge is not expected to result in increased erosion or sediment deposition.

Response to Comment 81-13

As stated on pages II-38 to II-39 of Chapter II (Project Description) of the Draft EIR, the Yosemite Slough bridge will be approximately 81 feet wide and approximately 900 feet long based on preliminary designs. As the Project proceeds through the final design phase, the bridge design will be refined. Final Project design, including the bridge, will undergo review by City and Agency staff to ensure that any design modifications would not change the environmental analysis in the EIR. For a discussion of effects of the bridge on biological resources from lighting, traffic, and shadow, refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]). Page III.M-58 of Section III.M (Hydrology and Water Quality) describes mitigation measure MM HY-1a.1, which sets forth the requirements for a Storm Water Pollution Prevention Plan that must be prepared by the Project Applicant. As noted on page III.M-72 of Section III.M:

With respect to water quality impacts caused by construction of the Yosemite Slough bridge, including pollutants transported through erosion and sedimentation or the incidental release of construction materials or the accidental spill of substances commonly used in construction directly to the Lower Bay, implementation of mitigation measures MM HY-1a.1 (SWPPP—Combined Sewer System), MM HY-1a.2 (SWPPP—Separate Storm Sewer System), MM HZ-1a (Article 22 Site Mitigation Plan), MM HZ-2a.1 (Unknown Contaminant Contingency Plan), and MM HZ-9 (Navy-Approved Workplans for Construction and Remediation Activities on Navy-Owned Property) would reduce the potential for contaminants, sediments, or pollutants in stormwater runoff to enter the Lower Bay. While mitigation measures MM HY-1a.1 and MM HY-1a.2, each of which require the preparation of a SWPPP, are intended to address runoff that enters either the combined or separate sewer systems, the BMPs could also address bridge construction activities. In addition, because the bridge would be constructed using piles driven in dry conditions (behind coffer dams), water quality impacts would be minimized.

Response to Comment 81-14

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the project's potential effects on biological resources of Yosemite Slough, including wildlife. While some wildlife species will be able to adapt or habituate to shading or other effects of the bridge, others will not, resulting in the loss of a small area of habitat under and immediately adjacent to the bridge.

The commenter suggests that the EIR provide a diagram depicting the bridge dimensions relative to vegetation conditions, a diagram depicting shadow at various times during the day and its impacts on wetlands, and a diagram depicting night lighting from the bridge. Master Response 3 discusses the potential effects of the bridge, including shading and increased night lighting, on wetlands and other sensitive habitats; diagrams are not needed to convey these effects. While some night lighting will be required on the bridge, such lighting will be limited to the minimum necessary for human safety. Given the urban context in which Yosemite Slough occurs, species using the area will have to be habituated to some lighting, and the Lead Agencies do not expect lighting impacts on wildlife to be substantial; refer to Master Response 3 for further discussion of the effects of increased night lighting on biological resources of Yosemite Slough.

The commenter also recommends that the bridge be constructed and designed using guidelines from a reference from the Arizona Game and Fish Department. The design and construction of the bridge generally follow the principles outlined in that publication, although due to the very different conditions in Yosemite Slough as compared to streams in Arizona, site-specific design and construction measures that take into account the types and sensitivity of biological resources at Yosemite Slough have been (and will be) employed.

Response to Comment 81-15

This comment contains introductory or general background information and also reflects the commenter's opinions. No response is required. However, the commenter's general issues regarding impacts are specifically responded to in Responses to Comments 81-2 through 81-14.

Response to Comment 81-16

Chapter III.N (Biological Resources) describes the project's potential impacts to the habitats and species referred to in this comment. The Project applicant has already engaged the BCDC regarding potential Project effects on all resources regulated by that agency, and has met with BCDC staff on several occasions. The applicant will continue to pursue the necessary permits from the BCDC, thus addressing any issues of project consistency with the San Francisco Bay Plan.

The commenter suggests that the Draft EIR underestimates potential impacts to the Bay. Actually, a very conservative approach to estimating Bay fill was taken in the Draft EIR, in that impacts resulting from removal of Bay fill on HPS, as described in Impact BI-4b on pages III.N-64 to III.N-67, were considered "fill" activities because of the movement of existing fill and potential temporary impacts to water quality that might result. In actuality, removal of fill along the shoreline may occur under dewatered conditions, using coffer dams, so that no impacts to water quality will occur. Thus, such activities would actually be beneficial by removing Bay fill even though they are considered impacts to aquatic habitats in the Draft EIR.

Response to Comment 81-17

Refer to Response to Comment 47-88 regarding potential project impacts to eelgrass. Specifically, MM BI-5b.1 and BI-5b.2 have been modified somewhat to require more extensive surveys for eelgrass, both in and within 750 feet of in-water construction activities at HPS Phase II and the Yosemite Slough bridge, prior to such in-water activities. Otherwise, potential project impacts to eelgrass were adequately described in the Draft EIR in Impacts BI-5a and BI-5b on pages III.N-69 and III.N-70, and the associated mitigation measures reduce impacts to eelgrass beds in and adjacent to construction areas to less than significant levels by requiring impact avoidance if practicable, best management practices to avoid water-quality impacts, and compensatory mitigation for unavoidable impacts to eelgrass. Regarding compliance with BCDC's eelgrass recommendations, the Project applicant has already engaged the BCDC regarding potential Project effects on all resources regulated by that agency, and has met with BCDC staff on several occasions. The applicant will continue to pursue the necessary permits from the BCDC, thus addressing any issues of project consistency with the San Francisco Bay Plan.

Response to Comment 81-18

The commenter suggests that the biological conditions of CPSRA were not adequately described and comments that biological surveys were conducted on only two days. The existing conditions section of Chapter III.N (Biological Resources) contains descriptions of the habitat types and wildlife communities of the entire project area, including CPSRA, and Figure III.N-2 maps the habitats in this portion of the project site. Although PBS&J biologists were on-site on only three days, as noted in Section III.N.2 on page III.N-3, the description of biological resources in Chapter III.N was also informed by multiple field visits conducted by H. T. Harvey & Associates biologists during general reconnaissance surveys, wetland delineation surveys, and tree surveys, as well as by a number of background references as described on pages III.N-3 and III.N-4 of the Draft EIR.

The commenter also suggested that the Draft EIR did not adequately describe the bird species that could potentially nest on the site and listed a number of bird species that nest on CPSRA. The intent of Chapter III.N of the Draft EIR was not to provide an exhaustive list of animals that occur on the site, but rather to describe the general wildlife community, noting representative common species that occur on the site, and to provide more detail on potentially occurring special-status species. Some of the species listed by the commenter as breeding on CPSRA, such as double-crested cormorant, black-crowned night-heron, snowy egret, great egret, Caspian tern, white-throated swift, and several others, are not indicated by the 2003 *San Francisco Breeding Bird Atlas* as having been confirmed breeding on CPSRA, and suitable breeding habitat for some of these species is absent from the site.

Regarding the comments pertaining to potential effects on wildlife resulting from increased human use of the site, refer to Response to Comment 64-5 for a discussion of such effects.

Response to Comment 81-19

The commenter suggests that the project will result in an increase in the human population of the area and a concomitant increase in pets, particularly cats and dogs, and makes recommendations for limiting the potential for such animals to impact wildlife. The Impact BI-16a discussion, Draft EIR page III.N-101,

mentions the potential for impacts to wildlife resulting from increased human activity and increased presence of domestic animals, as follows:

Human activity at Candlestick Point following completion of construction would affect wildlife, including invertebrates, reptiles, amphibians, birds, and mammals. Potential adverse effects include disturbance of individuals (including nesting birds) in terrestrial, shoreline, and aquatic habitats due to movement by humans, domestic animals, and vehicles; depredation of native species by domestic animals; injury or mortality of individuals due to vehicular traffic; and other impacts. However, as discussed in Impact BI 2, adverse effects of human disturbance and other operational factors would occur primarily to small numbers of regionally abundant species, and operational impacts would not substantially affect populations of these species. Impacts would be less than significant, and no mitigation is required.

Response to Comment 81-20

The commenter suggests that the project will result in an increase in trash and food waste, which degrade the aesthetics of the park and subsidize populations of nuisance birds and mammals, which could in turn adversely affect more sensitive native wildlife species. The commenter suggests that the Draft EIR did not adequately analyze the impact.

In response to the comment, the Impact BI-2 discussion, Draft EIR page III.N-50, has been revised to add the following sentence after the fourth sentence of the first paragraph under this impact:

... areas/ornamental plants. In addition, an increase in trash, particularly food waste, could potentially subsidize nuisance species such as common ravens (*Corvus corax*), American crows (*Corvus brachyrhynchos*), raccoons, rats, and feral cats, which in turn could increase predation on more sensitive wildlife species. ...

In addition, Impact BI-16a, page III.N-101 of the Draft EIR has been revised to add the following sentence to the second paragraph under this impact, after the second sentence:

... and other impacts. In addition, an increase in trash, particularly food waste, could potentially subsidize nuisance species, which in turn could increase predation on more sensitive wildlife species. ...

Response to Comment 81-21

The commenter suggests that the Draft EIR did not adequately characterize the value of the project area to wildlife. The Draft EIR considered not only the results of the Yosemite Slough Watershed Wildlife Study but also other species that could potentially occur in the project area when describing existing conditions and assessing impacts to habitat.

The commenter disagrees with statements that certain birds were considered California Species of Special Concern only when breeding and states that the reference cited in the Draft EIR does not support this statement. However, the reference cited in the document (a list of bird Species of Special Concern on the CDFG's website [<http://www.dfg.ca.gov/wildlife/nongame/ssc/birds.html>]) and the compendium on which this list is based (Shuford and Gardali 2008) both indicate a "Season of Concern" for these species. The Draft EIR did not "dismiss conservation concerns" regarding species that occur on the project site during the non-breeding season; rather, the importance of the site to all species was considered regardless of the season, even for species that are not considered Species of Special Concern when they occur as nonbreeders on the site. It was determined that those particular species that were considered Species of

Special Concern only during the breeding season, and that occur on the site only as nonbreeders, would not be significantly impacted by the Project, but this was based on the Project-specific impacts to these species' populations rather than on the basis of whether or not they were considered Species of Special Concern.

The commenter notes that a number of birds that have been recorded on the site are on the Audubon Watch List. Impacts to all species, whether or not on a list of species of concern, were considered during impact assessment. The commenter also notes that a number of bird species rely on the project area and questioned why only the peregrine falcon was considered in Impact BI-6b. This impact was not intended to focus only on the peregrine falcon; rather, Impact BI-6b on page III.N-75 in the Draft EIR contained the following text:

Similar to development at Candlestick Point, construction-related activities including, but not limited to, grading, materials laydown, facilities construction, vegetation removal, and construction vehicle traffic may result in loss of a special-status and/or legally protected avian species' active nest and/or mortality of the nest's occupants; this would be considered a significant impact. Implementation of mitigation measures MM BI 6a.1 and MM BI 6a.2 (as detailed in Impact BI 6a) would reduce the effects of Project construction and implementation on nesting special-status and legally protected avian species to less-than-significant levels.

Thus, the Impact BI-6b discussion on page III.N-75 referred to the discussion under Impact BI-6a, Draft EIR page III.N-72, which stated:

In addition to recognized special-status species, as discussed above in Regulatory Framework, all native bird species that may use the site are protected under the MBTA and California Fish and Game Code. These laws protect many common species in addition to those considered special-status species.

Therefore, impacts to all native bird species were addressed in Impacts BI-6a and BI-6b, and mitigation measures MM BI-6a.1 and MM BI-6a.2, Draft EIR pages III.N-73 and -74, were applied to both Candlestick Point and HPS. Peregrine falcons were discussed specifically because they are presently a State-listed endangered species and because a resident pair breeds on the site.

The commenter suggests that impacts to raptors were not adequately analyzed, and claims that Impact BI-7b "appears to ignore the fact that the Project would result in a loss or alteration of 43 acres of grassland." The comments acknowledge that some raptors will benefit from new grasslands and that the nest box program, which is a component of the Draft Parks, Open Space, and Habitat Concept Plan provided in Appendix N3 of the Draft EIR, would benefit additional species. Refer to Response to Comment 64-4 for more discussion of the project's impacts to raptors (e.g., for clarification that the 43 acres of grassland impacted at HPS will be impacted due to grassland restoration efforts).

The commenter suggests that the Draft EIR did not adequately assess the impacts of tall buildings to birds. Refer to Impacts BI-20a and BI-20b on Draft EIR pages III.N-108 to -111; these impacts discuss the potential effects of tall buildings and associated reflections and lighting on birds. These impact discussions also cite some of the same references that are cited by the commenter.

Response to Comment 81-22

The commenter recommends that the 10,000 trees to be planted on the site be natives. The Draft Parks, Open Space, and Habitat Concept Plan, provided in Draft EIR Appendix N3, describes the trees that will be planted as follows:

While native vegetation shall be favored, site-appropriate non-native trees and shrubs that provide food or structural resources that are particularly valuable to native wildlife may also be considered.

It is expected that the vast majority of trees to be planted will be natives.

The commenter also suggested that the project did not appear to consider the Hunters Point Constructed Storm Water Wetland Feasibility Study prepared for the Golden Gate Audubon Society. The majority of the commenter's recommendations pertain to creation of wetlands and remediation issues that are subject to remediation decisions to be made by the Navy, and that are not in the control of the Project applicant.

Response to Comment 81-23

The commenter lists native plants that are present on the site and that provide habitat value for wildlife. This comment is noted; native plants such as these will be planted on the site as described in the Draft Parks, Open Space, and Habitat Concept Plan provided in Appendix N3 of the Draft EIR.

The commenter states that the Draft EIR did not adequately discuss salt marsh plants, yet the description of the salt marsh community on page III.N-9 of the Draft EIR contains all of the plants listed in this comment.

Response to Comment 81-24

The comment regarding open space is noted. The Project's ratio of 13.8 acres per 1,000 residents provides substantial amounts of open space.

The comments regarding native grasses, natural playing fields, and dog play areas are noted. The specific elements of the CPSRA improvements, including landscaping and plantings will be determined through the CPSRA General Plan Amendment process. No synthetic turf is proposed for the Project's playing fields. Dog recreation areas will be accommodated within community parks outside of CPSRA.

Figure III.P-2 shows the location of proposed parks and the reconfiguration of CPSRA. Refer to Responses to Comments 47-3, 47-28, and 47-29 for further discussion of the reconfiguration. As shown on Figure III.P-2, the Candlestick Park stadium area will not be developed as a park, and is not included in any park area calculations.

Response to Comment 81-25

Refer to Master Response 8 (Sea Level Rise) for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur.

Response to Comment 81-26

Refer to Response to Comment 47-29 for discussion of this standard of significance. While the Project site's parkland ratio will be reduced from its current level (which is particularly high because the area has a very small population), the ultimate ratio of 13.8 acres per 1,000 residents is well above the standard of 5.5 acres provided in the 1986 San Francisco General Plan and used in the Draft EIR. This impact is, therefore, less than significant.

Response to Comment 81-27

The comments regarding park programming are noted. In contrast with typical nursery-grown trees, a "specimen tree" is often older or larger and has particularly exceptional aesthetic qualities. In landscape design, a specimen tree may be used at focal points, in small courtyards, or in other places where the tree's exceptional qualities will be noticed and have a strong impact on the sense of place.

Impacts related to stormwater runoff on Candlestick Point are discussed in Impact HY-6, beginning on Draft EIR page III.M-78.

Response to Comment 81-28

The commenter states there is no basis for the assertion that the Project is consistent with BCDC and Bay Trail plans. Refer to Response to Comment 47-58 for a discussion of the Project's consistency with BCDC policies and the Bay Plan policies with respect to biological resources. Refer also to pages III.B-13 through III.B-15 for a discussion of consistency with BCDC policies related to fill. Project consistency with the Bay Trail Plan is analyzed on pages III.B-16 through III.B-19 of Section III.B (Land Use and Plans) of the Draft EIR.

Response to Comment 81-29

Refer to Response to Comment 81-18 for a discussion of the number of days on which biological resources surveys were conducted and of the information on which the biological resources assessment was based. The bird species listed by the commenter as having been considered as potentially occurring by the Navy in 2000 were all considered during the preparation of the special-status species table and the impact assessment in the Draft EIR.

Response to Comment 81-30

The Draft EIR, page III.E-75 discloses that the Project site will change from an "area of low to moderate-level illumination to moderate to high illumination." Thus, the Project would result in day and night lighting that is typical for other urbanized locations in San Francisco. Page III.E-76 identifies that "views of the night sky are diminished as they are in all urban areas" The Draft EIR identifies mitigation measures that reduce spill light and require shielding of light fixtures to reduce light pollution (refer to mitigation measures MM AE-7a.1 through AE-7a.3, page III.E-72). Mitigation measure MM AE-7a.1 restricts light fixture direction, prescribes state-of-the-art light fixtures, and shielding. Mitigation measure MM AE-7a.2 requires the use of low-level and unobtrusive light fixtures for landscape illumination and exterior sign lighting; and mitigation measure MM AE-7a.3 requires the Applicant to prepare a Lighting Plan for each

phase of the Project to be approved by the Agency prior to issuance of building permits to minimize glare and prevent spill light.

Page III.E-73 of the Draft EIR describes that the requirements for lighting for the stadium are subject to “NFL Sports Lighting Design Criteria.” As these requirements are already in force at Candlestick, the new light and glare attributed to the new 49ers stadium is a relocation of impacts from Candlestick Point to HPS Phase II, that would be reduced to less than significant with mitigation measures MM AE-7b.1 and MM AE-7b.2. No more detail is necessary to identify or address the impact of stadium lighting associated with the Project.

Response to Comment 81-31

This comment contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required. However, the commenter is requesting that the lead agencies consider their comments and those of other community members and organizations. All comment letters and responses will be forwarded to the decision makers for their consideration prior to approval or denial of the Project.

■ Letter 82: Arc Ecology (1/12/10)

1 of 161

Letter 82

Arc Ecology

Environment, Economy, Society, & Peace

12 January 2010

Mr. Stanley Muraoka
Environmental Review Officer
San Francisco Redevelopment Agency
One South Van Ness Avenue, Fifth Floor
San Francisco, California 94103



RE: Public Comment on Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project (formerly the "Bayview Waterfront Project") Draft EIR [DEIR]

Dear Sirs:

Arc Ecology is submitting the enclosed pages as our formal commentary on Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project (formerly the "Bayview Waterfront Project") Draft EIR [DEIR].

82-1

Sincerely,

A handwritten signature in black ink, appearing to read "Saul Bloom".

Saul Bloom
Executive Director
Arc Ecology

Enclosures: bound pages of Arc Ecology Comment, multiple documents

4634 3rd Street, San Francisco, California 94124, United States of America
PHONE: 415.643.1190 | FAX: 415.643.1142 | EMAIL: info@arcecolony.org

Comments made by Arc Ecology

**Preliminary comments on selected impacts and mitigation measures listed in
Table ES-2. Michael F. McGowan, Ph.D. Staff Scientist, Arc Ecology.
12/8/2009**

Impact AQ-4 Operation of the Project would violate BAAQMD CEQA significance thresholds for mass criteria pollutant emissions from mobile and area sources and contribute substantially to an existing or projected air quality violation at full build-out in the year 2029.

82-2

1. This significant and unmitigated impact exacerbates local environmental injustice with respect to public health and constitutes a cumulative negative impact on the quality of the environment for the city of San Francisco and the Bay Area. The project should be modified such that project air quality emissions would neither worsen existing air quality, nor contribute substantially to projected air quality violations.

Impact HZ-1 Construction activities associated with the Project would not expose construction workers, the Public, or the environment to unacceptable levels of hazardous materials as a result of the disturbance of soil and/or groundwater with known contaminants from historic uses.
Impacts HZ-2 to HZ-14

82-3

2. The mitigation measures proposed for these potentially significant impacts are not spelled out in adequate detail to judge whether they would be effective in mitigating the impacts to less than significant. Stating that a plan will be made later to mitigate any hazardous release from construction impacts is not a mitigation measure but a promise of the intent to have a mitigation measure. There is no certainty that any mitigation measures will be possible, therefore these impacts should be considered potentially significant and unmitigable, not less than significant and mitigable.
3. This comment applies especially to **HZ-10b** and its mitigation measure. The installation of pilings through a landfill cap that will be used to contain likely, but unspecified contaminants including radiological materials is extremely problematic. This impact should be considered potentially significant and unmitigable. An unmitigable radiological release is not acceptable, therefore the plan needs to be revised to provide a clear alternative to any option for placing pilings through the cap or cover into contaminated fill.

82-4

Comments made by Arc Ecology

Impact HZ-15 Construction and grading activities associated with the Project would not disturb soil or rock that could be a source of naturally occurring asbestos in a manner that would present a human health hazard.

82-5

MM HZ-15 Asbestos Dust Mitigation Plans and Dust Control Plans.

4. The asbestos air monitoring should be required, not at the option of BAAQMD, because the “no visible dust” standard does not protect against asbestos dust which is not visible to the naked eye.
5. The threshold of asbestos concentration requiring shut-down and implementation of dust control measures should be specified based on accepted cancer risk assessment guidelines and Hunters Point current standards, i.e., fewer than 1 in 10,000 excess cancers.
6. Mitigation should include hiring an independent third party to validate the positioning of the asbestos dust monitors and to review and report the monitoring data to the public.

82-6

82-7

Impact BI-10a and BI-10b and BI-10c Construction of the Candlestick Point would require the removal of hard substrates (riprap) used by native oysters, but would not have a substantial adverse effect, either directly or through habitat modifications, on this species.

82-8

7. This impact statement is incorrect because the hard substrate used by native oysters is the limiting habitat for the species, therefore removing it would be a significant impact. Acceptable mitigation would be replacement of the square footage of hard substrate with a similar amount of hard substrate preferably made from oyster shells. The mitigation habitat could be placed at or below the tide level of the hard substrate removed by the project. The mitigation should be monitored by a competent biologist to demonstrate successful mitigation.

Impact BI-11c Construction of the Yosemite Slough bridge would not have a substantial adverse effect on designated critical habitat for green sturgeon and Central California Coast steelhead through permanent and temporary impacts to aquatic and mudflat foraging habitat.

82-9

8. The mitigation measures for this impact are not complete. A Section 7 consultation with the National Marine Fisheries Service is required to determine potential impacts to green sturgeon and their critical habitat in San Francisco Bay. Depending on the outcome of this consultation, the impact may not be mitigable, in which case the bridge would not be allowed. This should be spelled out clearly in the project description.

Comments made by Arc Ecology

Impact BI-19a Implementation of the Project at Candlestick Point would not result in impacts to aquatic organisms through the re-suspension of contaminated sediments.

82-10

9. Re-suspension of sediments potentially impact eelgrass, macroalgae, and phytoplankton by blocking sunlight. The potential impacts of re-suspended sediments, whether contaminated or not, on such organisms should be evaluated, or there should be a full explanation why not.

Impact BI-19b and Mitigation Measure MM BI-19b.1 Work Windows to Reduce Maintenance Dredging Impacts to Fish during Operation of the Marina.

82-11

10. The LTMS (2001) standard is no longer the only regulation that must be considered to protect fish and fish habitat from impacts of dredging. There are no work windows for green sturgeon (federal) or longfin smelt (state) so Section 7 consultations and/or California Department of Fish and Game biological opinions will need to be prepared to mitigate for potential dredging impacts. In addition, if any eelgrass beds are nearby, then light monitoring in compliance with National Marine Fisheries Service protocols will need to be done as a condition of the dredging permits.

Impact BI-20a and MM BI-20a Lighting Measures to Reduce Impacts to Birds.

82-12

11. The proposed mitigation measure in MM BI-20a, "Use strobe or flashing lights in place of continuously burning lights for obstruction lighting. Use flashing white lights rather than continuous light, red light, or rotating beams." May not be permissible near water because the U.S. Coast Guard restricts flashing (strobe) white lights to emergency beacons. Please confirm that the use of white strobe lights to deter birds is allowed under these circumstances or propose a different mitigation measure.

MM BI-18b.1 Maintenance Dredging and Turbidity Minimization Measures for the Operation of the Marina. Maintenance dredging for the marina could remove or generate sediment plumes that could impact special status species, their habitats, and Essential Fish Habitat (EFH). To minimize this effect, the following measures shall be implemented by the Project Applicant:

82-13

1. Conduct a detailed survey for native oysters in all suitable substrates within the marina, (and the following under this Mitigation Measure).

12. This mitigation measure is ill-conceived to address habitat impacts of turbidity plumes from dredging in the new Hunters Point marina. First, native oysters have no special status under federal or state law except catch limits under the Fish and Game Code.

Comments made by Arc Ecology

Second, substrate within a marina is not the natural habitat of this species so possible effects of dredge sediment plumes are not relevant to protecting native oyster habitat within the marina. Third, dredge sediment plumes should be measured during the first dredging episode to assess potential impact, if any, outside the marina. If no impact is found then the monitoring should not be needed in subsequent dredging episodes. Fourth, a detailed hydrodynamic plume model requires extensive data on bathymetry, tidal currents, and other factors, including actual verification and validation of the model by collecting field data. With good field data on the sediment plume there is no need for the model and its input data. Fifth, native oysters are widely distributed in San Francisco Bay but their settlement and survival in any one area is highly variable and good cause and effect relationships with, e.g., suspended sediment, are lacking. While monitoring and restoration of native oysters and their habitat in San Francisco Bay is a worthy endeavor, making it a costly requirement of maintenance dredging in a new marina is not justified.

82-13
cont'd.

MM BI-19b.1 in part "The spawning season for the Pacific herring is March 1 to November 30. Therefore, the window that shall be applied to minimize impacts to sensitive fish species (during which dredging activities cannot occur) is March 1 to November 30."

82-14

13. My comment. This statement about the spawning season is incorrect. In San Francisco Bay the spawning season for Pacific herring is October to April (California Department of Fish and Game website). Therefore an arbitrary dredging window would be May-September. In practice, regulation of dredging impacts on herring is done on an ad hoc basis using real time observations of herring spawning so as not to unnecessarily constrain dredging projects when there are no herring spawning in the bay. The LTMS 2001 Management Strategy Appendix F that was cited in the mitigation measure actually says that dredging will be restricted in historic herring spawning areas, when they are present, during December 1-February 28. Please change the wording in the mitigation measure to reflect the correct spawning season and the correct wording of the regulation with regard to Pacific herring.

Hazardous Materials

In MM HZ-1a: change the word "comparable" in the second paragraph to "equivalent" because the investigation and treatment should be at the same level of protectiveness in the CPSRA areas as in the land subject to San Francisco Health Department Article 22a.

82-15

The proposed mitigation measures seem appropriate if they are properly implemented. There should be a mechanism for peer review of the plans, independent verification of the performance of the mitigation, and community outreach to reassure and confirm the success of the mitigation as implemented.

82-16

Hydrology and Water Quality

82-17

Comments made by Arc Ecology

The mitigation measures should specify that revegetation will be done with native, non-invasive species.

↑
82-17
cont'd.

The mitigation measures should specify that shoreline improvements will incorporate the principles of natural, living shorelines, wherever feasible.

↑
82-18

The allowance of three feet for future sea level rise may not be adequate. Other California authorities are using a 55 inches by year 2100 estimate. It would be prudent to allow for more sea level rise because it will be much easier to build out farther if sea level doesn't rise more than expected than it will be to protect existing structures from more than three feet of sea level rise if it does occur..

↑
82-19

The proposed mitigation measures seem appropriate if they are properly implemented. There should be a mechanism for peer review of the plans, independent verification of the performance of the mitigation, and community outreach to reassure and confirm the success of the mitigation as implemented.

↑
82-20

Shoreline Improvements

The frequent mention of the potential use of natural shorelines is to be commended. Arc Ecology endorses the use of living shorelines for erosion protection, public access and education, and habitat preservation and enhancement. The relative amounts of sandy beach and natural shoreline in the plan are small compared to their potential development. Please consider living shorelines for erosion protection where there is now deteriorating riprap, e.g., at much of the Candlestick Point shoreline where rubble riprap is ineffective, unattractive, and hazardous. Moreover, some areas suitable for natural shorelines were stated to be planned for riprap by the Navy. Please plan for natural shoreline areas at these locations and encourage the Navy to implement them as part of the remedy for contamination so they do not have to be redone later. Examples of these areas are Parcel B IR 7, Parcel B Drydocks 5 to 7, Parcel D Berths 16 to 20, Parcel E Berths 37-42, Parcel E-2 entire shoreline.

↑
82-21

When considering the suitability of the natural, living shoreline, approach to shoreline protection and enhancement be sure to include the construction of deep intertidal and shallow subtidal eelgrass meadows and native oyster beds and reefs. These habitat enhancements also attenuate wave action and thus reinforce the effectiveness of marsh and wetlands plants in stabilizing soil along the shore.

↑
82-22



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POINT RICHMOND

RIVERSIDE
ROCKLIN
SAN LUIS OBISPO
SOUTH SAN FRANCISCO

December 21, 2009

Saul Bloom
Arc Ecology
4634 Third Street
San Francisco, CA 94124

Subject: Candlestick Point-Hunters Point Shipyard Phase II Development Plan Draft EIR Review

Dear Saul:

As you are aware, the Draft Environmental Impact Report (EIR) for the Candlestick Point-Hunters Point Phase II Development Plan analyzes the proposed project (which includes the Yosemite Slough Bridge) and Alternative 2 (the proposed project without the Yosemite Slough Bridge). LSA Associates, Inc. (LSA) prepared a preliminary review of the Draft EIR focused on the traffic-related analyses of the proposed project and Alternative 2 to determine whether the bridge is an essential component of the redevelopment plan.

82-23

No figure is presented to illustrate the design of the bridge's transportation elements. Page 38 of Section 2, Project Description, provides a written description that is later repeated in other sections. The 81-foot bridge would provide two 11-foot bus rapid transit (BRT) lanes, a 12-foot Class 1 bicycle and pedestrian path, and four game-day lanes. After the BRT lanes and bicycle path have been accounted for, 47 feet remain for the game-day lanes and the separation between lanes.

82-24

Pages 33-35 of Section 6, Alternatives, state that the construction, intersection, freeway, transit, bicycle, pedestrian, and parking impacts of Alternative 2 are the same as or similar to those of the project. The Transportation Study, located in Appendix D of the Draft EIR, similarly states that the impacts of Alternative 2 are the same as those of the project for intersections (page 235), freeway mainline and weaving segments (page 212), freeway ramp junctions (page 216), transit capacity (page 288), bicycle circulation (page 295), and pedestrian circulation (page 300). In fact, Appendix D, Chapter 7, Mitigation Measures, reveals that no additional mitigation measures are considered necessary for Alternative 2. Even Table VI-12, the summary table comparing the significant unavoidable impacts of the project to those of each of the alternatives, states that the traffic impacts of Alternative 2 are all equal to those of the project.

82-25

Despite the statements of equal impacts contained in the analysis portions of the Draft EIR, some statements in the summary paragraphs imply that Alternative 2 would result in increased traffic-related impacts. The following statement from Section 6, page 160, is an example:

82-26

“Alternative 2 (CP-HPS Phase II Development Project, HPS Phase II Stadium, State Parks Agreement, and without the Yosemite Slough Bridge) would avoid Project impacts related to biological resources, water quality, and hazardous materials because the Yosemite Slough [bridge] would not be constructed. However, because the Yosemite Slough bridge would not be constructed, Alternative 2 would result in increased traffic-related impacts, particularly on game days.”

12/21/09 «P:\arc0801\Draft EIR Review ELH.doc»

PLANNING | ENVIRONMENTAL SCIENCES | DESIGN

LSA ASSOCIATES, INC.

Statements such as these in summary paragraphs are troublesome because they imply to anyone who does not read the document in depth that the bridge alleviates traffic impacts. In reality, the analysis text of the Draft EIR limits discussion of the bridge's benefits to the BRT and game-day traffic. These two topics are discussed in more detail below.

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82-26
cont'd.

BRT

In lieu of the project BRT route over the bridge, Alternative 2 proposes that the BRT continue west on Carroll Avenue until reaching the abandoned Navy rail right-of-way. The BRT would then travel along the rail right-of-way adjacent to Hawes Street, adjacent to Armstrong Avenue, and east of Ingalls Street; then cross Hawes Street to reach Shafter Avenue; and then continue adjacent to Shafter Avenue to rejoin the proposed project BRT alignment. This alternative BRT route would travel in dedicated right-of-way.

82-27

Despite this clear description in the text, Figure VI-1 illustrates a confusing line along Ingalls Street labeled, "Alternative 2 Proposed BRT Route." Additionally, the summary paragraph describing the transit impacts of Alternative 2 on page 34 of Section 6 fails to indicate that the alternative BRT route would travel entirely on dedicated right-of-way.

Section III.D, Transportation and Circulation, mentions that the project BRT route would be "rail ready" and would not preclude conversion to light rail at some point in the future. The Draft EIR does not make this statement about the Alternative 2 BRT route. However, it is illogical to state that the Navy rail right-of-way could not accommodate a light-rail line at some time in the future.

82-28

Table VI-4, Attainment of Project Objectives, states that Alternative 2 meets Objectives 1 and 2 to a lesser extent than the project because of a lack of direct transit connection without the bridge. This could be a continuation of the misleading statements in other summary paragraphs overlooking the dedicated right-of-way utilized by the alternative BRT route, or it could also be the result of an error in the Transportation Study being carried forward into the Draft EIR.

82-29

Page 288 of Appendix D (Transportation Study) states that Alternative 2 would increase BRT travel time by "approximately five minutes" and would decrease BRT ridership by "approximately 15 percent." No technical analysis is presented in the Draft EIR justifying the claimed travel time savings.

82-30

The travel time increase in the Draft EIR is similar to statements made in the Bayview Transportation Improvements Project (BTIP) Transportation Study dated August 15, 2008, which identified 4 minutes and 37 seconds in travel time savings with the bridge. However, LSA believes that the BTIP erred in its determination of the differences in travel time by adding 1 minute to the travel time of the no-bridge alternative west of the bridge and failing to add travel time across the bridge to the with-bridge alternative. It should be noted that the BTIP no-bridge alternative assumed the BRT would travel on Ingalls Street in mixed-flow lanes. Alternative 2 of the Draft EIR includes the use of dedicated lanes within abandoned Navy rail right-of-way. The project BRT route and Alternative 2 BRT route would both utilize dedicated lanes for the entire trip. Because the BRT would not travel in mixed-flow lanes in Alternative 2, the travel time savings of the bridge identified in the Draft EIR should be even less than the corrected BTIP travel time savings.

↓

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A simple analysis identified that the stated 5-minute increase in travel time with Alternative 2 is greatly exaggerated. Between Carroll Avenue and Shafter Avenue, the bridge route would travel approximately 2,245 feet. The route around Yosemite Slough for Alternative 2 is approximately 5,450 feet. Stating that the trip around Yosemite Slough in dedicated lanes requires 5 additional minutes is equivalent to stating that the BRT has an average speed of 7.3 miles per hour.

Based on other BRT lines operating in dedicated lanes, the expected average speed should be between 20 and 25 miles per hour. This would equate to a travel time savings for the Yosemite Slough Bridge of between 1 minute and 27 seconds and 1 minute and 49 seconds, which is far less than stated in the Draft EIR.

The inaccuracies in the travel time estimate most likely led to an error in calculating a 15 percent decrease in BRT ridership without the bridge. The inaccuracy in calculating Alternative 2 BRT travel time may have also led to an error in determining that Alternative 2 impacts a transit route that the project does not (Appendix D, page 290). It should be noted that the impact to Route 28L is not mentioned in the body of the Draft EIR; the reference to it only appears in Appendix D.

Route 28L travels north-south between the Presidio and Daly City, on the opposite side of the peninsula from the project. It is not immediately clear how the Transportation Study concludes that the project would impact this route, that 16 additional vehicles would be necessary in both the a.m. and p.m. peak hours to maintain headways as a result of the project, and that elimination of the Yosemite Slough Bridge would require an additional 7 vehicles in the a.m. peak hour and 12 vehicles in the p.m. peak hour to maintain headways on Route 28L.

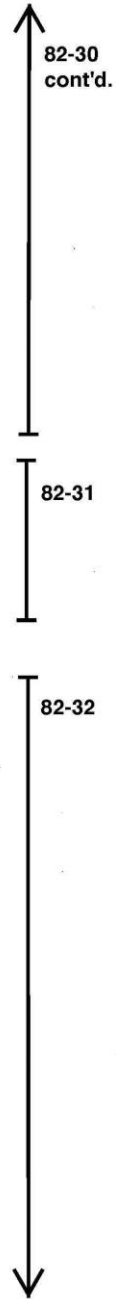
Game Day

Table VI-4, Attainment of Project Objectives, states that Alternative 2 meets all project objectives except for Objective 5. Objective 5 is to encourage the 49ers to remain in San Francisco by providing a world-class site for a new waterfront stadium and necessary infrastructure. The reason given for stating the objective is not met is that Alternative 2 “would not facilitate the efficient handling of game-day traffic to as great an extent as the Project.”

The Draft EIR does not provide a technical analysis of post-game traffic flow comparing with and without bridge scenarios. It is therefore inappropriate for the Draft EIR to make a conclusion that the bridge is necessary infrastructure or that Alternative 2 would not facilitate the efficient handling of game-day traffic.

Game-day traffic is a condition that would occur 10 times per year (or up to 12 times per year if the 49ers are participating in the playoffs). When discussing game-day traffic, the Draft EIR states that “vehicle arrival is spread over about six hours” (Section III.D, page 22) and that because the arrival occurs over a long period of time, traffic facilities are not substantially impacted (Section III.D, page 23). It is the departure of vehicles from the parking lot over a short period of time that constitutes the majority of game-day traffic impacts.

The number of vehicles exiting any stadium parking lot exceeds the capacity of the surrounding roadway network. Congestion will occur on either the regional transportation routes, the local streets, or in the parking lot itself. Ideally, exiting traffic would be metered to match the ability of the regional and local road networks to absorb the additional vehicles and excess demand would be



LSA ASSOCIATES, INC.

contained on the event site. Appendix D (Transportation Study), page 325 acknowledges that “the existing egress system [from Candlestick Park] effectively meters the traffic that can merge onto U.S. 101 and other routes so as to minimize mainline congestion.”

The Draft EIR assumes that the three additional lanes provided by the bridge for vehicles exiting the parking lot are beneficial. However, the project (with Yosemite Slough Bridge) would not provide more capacity on regional transportation routes than Alternative 2, nor would the project provide more capacity on local streets than Alternative 2. It is possible that a greater number of lanes exiting the parking lot will overwhelm the local street system and that metering the flow of vehicles exiting the parking lot, by not providing a bridge, would result in more efficient handling of vehicles and reduce the level of queuing and congestion on local streets.

The Draft EIR describes the project’s shortfall of 3,059 parking spaces for the stadium (a 15 percent shortfall) as a social inconvenience and hypothesizes that the inconvenience could encourage some patrons to take transit instead (Section III.D, page 138). Any inconvenience associated with waiting to exit the parking lot resulting from eliminating the bridge could similarly encourage some patrons to take transit instead.

Conclusion

The Draft EIR compared traffic-related impacts for redevelopment of Candlestick Point and Hunters Point Shipyard with or without a bridge. The text of the analysis stated that impacts without the bridge would be similar to or the same as impacts with the bridge. Summary statements in the Draft EIR indicate that Alternative 2 (without the bridge) does not meet the project objectives as well as the project (with the bridge) seemingly because of the bridge’s perceived benefits to the BRT and game-day traffic.

However, benefits to the BRT are exaggerated because the travel time savings of the bridge are 1 minute and 27 seconds to 1 minute and 49 seconds. Benefits to game-day traffic cannot be substantiated because the Draft EIR provides no analysis to determine whether or not the bridge would provide a benefit to game-day traffic. It is possible that providing the bridge for game-day traffic would increase congestion on local streets. Because of the similar impacts associated with redevelopment of Candlestick Point and Hunters Point Shipyard with or without a bridge, it does not appear that the bridge is a necessary component of the transportation system.

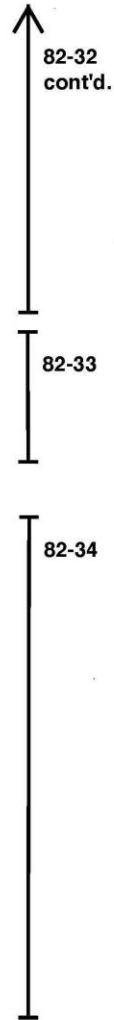
LSA hopes that the discussion of traffic-related issues informs your analysis of the Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project Draft EIR. If you have further questions, please feel free to contact us.

Sincerely,

LSA ASSOCIATES, INC.



Meghan Macias
Principal



Comments made by Arc Ecology

**COMMENTS ON THE CANDLESTICK POINT-HUNTERS POINT
SHIPYARD PHASE II DEVELOPMENT PLAN PROJECT DRAFT EIR
DATED NOVEMBER 12, 2009**

Section 6, Page 30

Comment 1: “Under Alternative 2, motorized and non-motorized traffic would be required to circumnavigate Yosemite Slough because no bridge would be constructed.”

82-35

This statement misleads the reader by implying that additional automobiles would be added to the street network without the bridge when in fact, automobiles would not be allowed on the bridge. The section should correctly inform readers that neither the Project or Alternative 2 would provide bridge access for automobiles.

Comment 2: “The primary roadway connection for automobiles and other vehicular traffic between Candlestick Point and HPS Phase II...”

82-36

This statement is similarly misleading. A more accurate statement would inform the reader that the circulation system proposed for automobiles is the same for the Project and Alternative 2.

Figure VI-1

Comment 3: Although the text clearly indicates that the abandoned rail route would provide dedicated right-of-way for the BRT, the figure displays an “Alternative 2 Proposed BRT Route” along Ingalls Street. This could confuse readers who view the figure without reading the text in depth. Figure VI-1 should be corrected to show the BRT route along the RR ROW, as described in the text.

82-37

Comment 4: At the same time, the line along Innes Avenue should be discussed in the text or removed from Figure VI-1 if Figure VI-1 is in error.

82-38

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Comments made by Arc Ecology

Section 6, Page 32

Comment 5: The first paragraph should indicate that, similar to the project, the alternative BRT route would be “rail ready” (not to preclude possible conversion to light-rail). It is illogical to state that the rail right-of-way, to be utilized by the BRT to circumnavigate Yosemite Slough, would not be capable of accommodating rail.

82-39

Section 6, Page 33 – Transportation and Circulation

Comment 6: “The main roadway connection between Candlestick Point and HPS Phase II would be via Ingalls Street.”

This statement misleads the reader by implying that additional automobiles would be added to the street network without the bridge when in fact, automobiles would not be allowed on the bridge. A more accurate statement would inform the reader that the circulation system proposed for automobiles is the same for the Project and Alternative 2.

82-40

Section 6, Page 34 – Intersection Conditions

Comment 7: “In general, intersection conditions would be significant and unavoidable effect of Alternative 2.” This sentence misleads the reader into believing that Alternative 2 has significant impacts that the Project avoids, when in fact Alternative 2 and the Project have identical impacts to intersections. This section should inform readers that impacts of Alternative 2 are the same as the Project.

82-41

Comment 8: “During game days at the football stadium, with no Yosemite Slough Bridge, the entrance and exiting capacity for vehicles would be reduced about 40 percent compared to the Project; four out of a total 11 exit lanes would be available without the bridge.”

This statement is in error. Section III.D, page 45 indicates that one out of the bridge’s four lanes would remain open to off-peak direction traffic for local traffic and emergency vehicles. In addition, Alternative 2 would provide the same number of lanes accessing regional transportation facilities and the same number of lanes in the local street system. Only the number of lanes leaving the parking lot is reduced from ten to seven.

82-42

13 of 161

Comments made by Arc Ecology

Comment 9: “A mitigation measure to implement a Travel Demand Management Plan for the stadium events would reduce but not avoid traffic impacts, which would be significant and unavoidable.”

82-43

This statement misleads the reader by implying that impacts associated with Alternative 2 cannot be mitigated whereas similar Project impacts could be mitigated. The statement should inform the reader that the Project’s Travel Demand Management Plan would also reduce but not avoid stadium traffic impacts which would also be significant and unavoidable.

Section 6, Page 34 – Transit Impacts

82-44

Comment 10: The second paragraph misleads the reader into believing that the Alternative 2 route does not provide dedicated right-of-way when in fact the alternative BRT route around Yosemite Slough would still operate in dedicated right-of-way and is technically feasible.

Comment 11: Pursuant to State CEQA Guidelines Section 15151, the EIR should provide a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which takes into account the environmental consequences of the project. While an EIR must contain facts and analysis, not just an agency’s conclusions or opinions (Citizens of Goleta Valley v. Board of Supervisors, 1990), no technical analysis is presented in the Draft EIR justifying the claimed travel time savings. Based on the additional distance around Yosemite Slough (3,205 feet) and average BRT travel speeds (20 to 25 miles per hour), the alternate BRT route should require between 1 minute 27 seconds and 1 minute 49 seconds of additional travel time.

82-45

Comment 12: Identical misleading statements regarding dedicated right-of-way and travel time are made in Appendix D (Transportation Study) and should be removed because these statements are not supported by facts or analysis presented in the Draft EIR.

82-46

Comment 13: The reference to VRT on this page is a typographical error.

82-47

Section 6, Page 58 – Attainment of Project Objectives

82-48

14 of 161

Comments made by Arc Ecology

Comment 14: The statement that Alternative 2 would meet transportation-related objectives to a lesser extent than the Project is inconsistent with the remainder of the section and should be removed from the Final EIR. Earlier in Section 6 the Draft EIR states that construction, intersection, freeway, transit, bicycle, pedestrian, and parking impacts of Alternative 2 are the same as or similar to the Project (Section 6, Pages 33-35). Additionally, Appendix D (Transportation Study) makes the same conclusions:

- “Therefore, the traffic impacts associated with Alternative 2 would be the same as the Project.” (Page 235)
- Impacts at Mainline and Weaving Segments are the same (Page 212) and Impacts at Ramp Junctions are the same (Page 216)
- “As with the Project, Alternative 2 impacts on transit capacity would be less than significant.” (Page 288)
- “As with the Project, Alternative 2 impacts on bicycle circulation would be less than significant.” (Page 295)
- “As with the Project, Alternative 2 impacts on pedestrian circulation would be less than significant.” (Page 300)

Comment 15: Stating that Alternative 2 meets most of the Project objectives is incorrect. Like the Project, Alternative 2 provides for BRT connection between Candlestick Point and Hunters Point along dedicated right-of-way. Alternative 2 and the Project have identical traffic-related impacts. Additionally, the Draft EIR does not provide analysis demonstrating the necessity of the bridge to accommodate game day traffic (a scenario occurring only 10 or 12 times a year). Based on the analysis provided in the Draft EIR, Alternative 2 meets all the Project objectives while reducing impacts to Hazards and Hazardous Material (Section 6, Page 42), Geology and Soils (Section 6, Page 44), and Biological Resources (Section 6, Page 47).

Table VI-4 – Attainment of Project Objectives Alternative 2

Objective 1

Comment 16: The statement that removing the bridge eliminates direct transit connection is false; Alternative 2 provides a BRT connection in dedicated right-of-way.

82-48
cont'd.

82-49

82-50

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Comments made by Arc Ecology

Comment 17: The statement that removing the bridge eliminates continuous shoreline and open space access contradicts the previous sentence which correctly states that Alternative 2 provides “the same shoreline improvements and open space network” as the Project.

82-51

Comment 18: Alternative 2 meets this objective to the same extent as the Project because a grade-separated connection is not necessary to produce tangible community benefits.

82-52

Objective 2

Comment 19: The statement that removing the bridge eliminates a direct connection between Candlestick Point and Hunters Point Shipyard is false; Alternative 2 provides a BRT connection in dedicated right-of-way.

82-53

Comment 20: Alternative 2 meets this objective to the same extent as the Project because direct connection is provided by transit in dedicated lanes and the opening of Crisp Avenue.

82-54

Objective 5

Comment 21: Alternative 2 includes the same stadium as the Project, the same number of lanes on local streets as the Project, the same connection to U.S. 101 as the Project, and meets Objective 5 as well as the Project. The technical analysis in the Draft EIR does not support the statement that a bridge over Yosemite Slough is necessary infrastructure. An EIR must contain facts, not just an agency’s conclusions or opinions (Citizens of Goleta Valley v. Board of Supervisors, 1990). Because the conclusion that the bridge is “necessary infrastructure” is not supported by fact, such statements should be removed from the Final EIR.

82-55

Comment 22: The Draft EIR does not provide an analysis of post-game traffic flow with and without the bridge. The Draft EIR only assumes that a greater number of lanes exiting the parking lot is beneficial. It is possible that a greater number of lanes exiting the parking lot will overwhelm the local street system without speeding the delivery of vehicles onto U.S. 101.

82-56

Comment 23: Because the Draft EIR does not provide an analysis of post-game traffic flow with and without the bridge, it is improper to make a conclusion that the bridge is necessary infrastructure. Such statements should be removed from the Final EIR.

82-57

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Comments made by Arc Ecology

Section 6, Page 160 – Environmentally Superior Alternative

Comment 24: “Alternative 2... would avoid Project impacts related to biological resources, water quality, and hazardous materials because the Yosemite Slough [bridge] would not be constructed. However, because the Yosemite Slough bridge would not be constructed, Alternative 2 would result in increased traffic-related impacts, particularly on game days.”

This statement is inconsistent with the analysis contained within the section. Earlier in Section 6 the Draft EIR states that construction, intersection, freeway, transit, bicycle, pedestrian, and parking impacts are the same as or similar to the Project (Section 6, Pages 33-35). Additionally, Appendix D (Transportation Study) makes the same conclusions:

- “Therefore, the traffic impacts associated with Alternative 2 would be the same as the Project.” (Page 235)
- Impacts at Mainline and Weaving Segments are the same (Page 212) and Impacts at Ramp Junctions are the same (Page 216)
- “As with the Project, Alternative 2 impacts on transit capacity would be less than significant.” (Page 288)
- “As with the Project, Alternative 2 impacts on bicycle circulation would be less than significant.” (Page 295)
- “As with the Project, Alternative 2 impacts on pedestrian circulation would be less than significant.” (Page 300)

Comment 25: Please explain how this paragraph can state Alternative 2 would result in increased traffic-related impacts when that statement is in direct conflict with Table VI-12: Comparison of the Significant and Unavoidable Impacts of the Project to Each of the Alternatives, which found Alternative 2 to be equal to the Project.

Comment 26: The Draft EIR assumes that a greater number of lanes exiting the stadium parking lot is beneficial, but provides no analysis demonstrating that the number of vehicles delivered by Ingalls Street and the bridge (three outbound lanes each) will not exceed the capacity of the Harney Way and 3rd Street ramps and U.S. 101. It is possible that metering the flow of vehicles exiting the parking lot, by not providing a bridge, would result in more efficient handling of vehicles and reduce the level of queuing and congestion on local streets.

Appendix D, Chapter 6, Page 288



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Comments made by Arc Ecology

Comment 27: The second paragraph of Alternative 2-No Bridge misleads the reader into believing that the Alternative 2 route does not provide dedicated right-of-way when in fact the alternative BRT route around Yosemite Slough would still operate in dedicated right-of-way and is technically feasible.

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82-61
cont'd.

Comment 28: Pursuant to State CEQA Guidelines Section 15151, the EIR should provide a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which takes into account the environmental consequences of the project. While an EIR must contain facts and analysis, not just an agency's conclusions or opinions (Citizens of Goleta Valley v. Board of Supervisors, 1990), no technical analysis is presented in the Draft EIR justifying the claimed travel time savings. Based on the additional distance around Yosemite Slough (3,205 feet) and average BRT travel speeds (20 to 25 miles per hour), the alternate BRT route should require between 1 minute 27 seconds and 1 minute 49 seconds of additional travel time.

82-62

Comment 29: The third paragraph of Alternative 2-No Bridge asserts that the alternative BRT route would increase travel time by 5 minutes and decreases ridership by 15 percent. These statements are not supported by analysis presented anywhere in the Draft EIR and should be removed from the Final EIR.

82-63

Comment 30: The travel time increase in the Draft EIR is similar to statements made in the Bayview Transportation Improvements Project (BTIP) Transportation Study dated August 15, 2008 which identified 4 minutes 37 seconds in travel time savings with the bridge. The BTIP, however, erred when determining the differences in travel time by adding 1 minute to the travel time of the no-bridge alternative west of the bridge and failing to add travel time across the bridge to the with-bridge alternative. It should be noted that the BTIP no-bridge alternative assumed the BRT would travel on Ingalls Street in mixed-flow lanes. Alternative 2 of the Draft EIR includes use of dedicated lanes within abandoned Navy rail right-of-way. The Project BRT route and Alternative 2 BRT route would both utilize dedicated lanes for the entire trip. Because the BRT would not travel in mixed-flow lanes in Alternative 2, the travel time savings of the bridge identified in the Draft EIR would be less than the corrected BTIP travel time savings.

82-64

Comment 31: The stated 5 minute increase in travel time with Alternative 2 is greatly exaggerated. Between Carroll Avenue and Shafter Avenue the bridge route would travel

82-65
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Comments made by Arc Ecology

approximately 2,245 feet. The route around Yosemite Slough for Alternative 2 is approximately 5,450 feet. Stating that the trip around Yosemite Slough, in dedicated lanes, requires 5 additional minutes is equivalent to stating that the BRT has an average speed of 7.3 miles per hour.

↑
82-65
cont'd.

Comment 32: Based on other BRT lines operating in dedicated lanes, the expected average speed should be between 20 and 25 miles per hour. This would equate to a travel time savings for the Yosemite Slough Bridge of between 1 minute 27 seconds and 1 minute 49 seconds.

82-66

Comment 33: Errors in calculating the travel time savings of the bridge were undoubtedly carried forward into estimations of BRT ridership to and from the Hunters Point Shipyard and impacts to route 28L-19th Avenue/Geneva BRT route. All analyses that utilized the incorrectly calculated travel time savings should be corrected and reported so that the actual costs and benefits of the bridge can be considered.

82-67

Appendix D, Chapter 6, Page 290

Comment 34: Please explain how development in Bayview (and specifically whether or not a bridge providing approximately 1.5 minutes of travel time savings is built) affects a bus line travelling between Daly City and the Presidio.

82-68

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FarWest
RESTORATION
ENGINEERING

July 31, 2006

Ms. Eve Bach
Arc Ecology
4634 Third Street
San Francisco, CA 94124

Subject: Transmittal of Preliminary Design Proposal for Hunters Point Shipyard
Parcel E Stormwater Treatment Wetlands, San Francisco, California

Dear Eve:

I am pleased to submit this preliminary design report for a system of stormwater treatment wetlands at the Parcel E landfill of the former Navy base in San Francisco, California. In addition to improving water quality, the proposed wetlands will also provide excellent wildlife habitat and public access and educational opportunities to the local community.

I appreciate the opportunity to provide these services to Arc Ecology. Please do not hesitate to call me at (510) 522-7200 with any questions or comments.

Sincerely,

Roger Leventhal, P.E.
Principal Engineer

82-69
↓

538 Santa Clara Avenue
Alameda, CA 94501
Phone (510) 865-2840

20 of 161

**Preliminary Design Report for
Hunters Point Shipyard Parcel E
Stormwater Treatment Wetlands**

San Francisco, California

July 31, 2006

Prepared by

FarWest Restoration Engineering
538 Santa Clara Avenue
Alameda, California 94501

82-69
cont'd.



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**HUNTERS POINT SHIPYARD PARCEL E STORMWATER TREATMENT
WETLANDS**

PRELIMINARY DESIGN REPORT

Executive Summary

This report presents a preliminary design for stormwater treatment wetlands at the industrial landfill on Parcel E of the former naval shipyard at Hunters Point, including design calculations, grading plans, and a cost estimate. The proposed design is a perennial wetland system that consists of a forebay pond flowing into a pair of permanent wet ponds, which in turn flow into two freshwater marshes that ultimately discharge into San Francisco Bay. Preliminary calculations indicate that the proposed system can treat the proposed 40 acre Hunters Pt site development and potentially an additional 200 acres of upland urbanized watershed.

In addition to stormwater treatment, the design also provides for a functioning wetland system with valuable habitat for a variety of birds and other wetland species. Furthermore, the proposed wetlands will provide significant public access and community education opportunities for an important and historically underserved part of San Francisco.

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PRELIMINARY DESIGN REPORT

1.0 Introduction

This report presents a preliminary design for stormwater treatment wetlands at the industrial landfill on Parcel E of the former naval shipyard at Hunters Point in San Francisco (Figure 1). It contains an evaluation of the effectiveness of the proposed wetland system to treat pollutants in stormwater, preliminary grading plans and concept renderings, and an estimate of final design and construction costs.

1.1 DESIGN OBJECTIVES

In a 2004 feasibility study for the Golden Gate Audubon Society (Brown and Caldwell 2004), three primary objectives were identified for the creation of wetlands at the site: (1) improve the quality of stormwater effluent before it is discharged to San Francisco Bay; (2) create marsh habitat for desirable birds and aquatic species; (3) provide opportunities for public education, access and recreation. The study identified a permanent freshwater wetland system as the preferred alternative for meeting those objectives.

With funding provided by the Coastal Conservancy, Arc Ecology, a community based environmental group, retained FarWest Restoration Engineering to prepare this preliminary design on the basis of the conceptual design included in the 2004 feasibility study. In addition to advancing the conceptual design with design calculations, preliminary grading plans, and a cost estimate, this preliminary design incorporates modifications to improve and enhance operation of the stormwater treatment potential of the wetland complex, which the conceptual design did not address, and to enhance public safety.

1.2 SUMMARY OF PROPOSED DESIGN

The proposed wetland design is potentially an important element of the Hunters Point community revitalization process that is now underway. It would provide opportunities to treat stormwater and improve water quality before stormwater is discharged to San Francisco Bay; create wildlife habitat; and offer educational and recreational facilities.

The proposed design is a perennial wetland system that consists of a "forebay" flowing into a pair of ponds, which in turn flow into two freshwater marshes that ultimately discharge into San Francisco Bay (Figure 2). Brown and Caldwell's 2004 feasibility study identified the preferred stormwater treatment method as extended stormwater detention and biofiltration through a pond and marsh system. The design provides for a functioning wetland system with valuable habitat for a variety of birds and other wetland species. The wetlands will also provide significant public access and community education opportunities for this important and historically underserved part of San Francisco.

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1.3 DESCRIPTION OF EXISTING SITE

Parcel E consists of 167 acres in the southwestern portion of the Hunters Point Shipyard; the project site (see Figure 2) is located in the western portion of Parcel E. The industrial landfill at the site encompasses approximately 20 acres with fill ranging in depth from 2 to 32 feet. A landfill cap covers approximately 15 acres of the landfill. The waste consists of a wide range of materials. The landfill reportedly has no bottom liner or leachate capture system, and bottom waste is in direct contact with groundwater.

The Parcel E site's proximity to the bay and to existing wetlands at Hunters Point makes it the ideal location for a treatment wetland. Current master planning efforts identify a portion of Parcel E as open space, including the landfill location, which is not slated for commercial development; thus the treatment wetland will have no negative impact on proposed development plans. (The wetlands' benefits in the proposed development plan will be discussed in *From Pollution to Parkland: Alternatives for a Waterfront Park at Hunters Point Shipyard* (Arc Ecology 2006). Furthermore, we have identified no other site at Hunters Point that is suitable for construction of a stormwater treatment wetland.

1.4 PREVIOUS STUDY AND CONCEPTUAL DESIGN

The feasibility study on which this design report is based was performed by the consulting firm Brown and Caldwell, in association with Professor Rhea Williamson of San Jose State University, in 2004 for the community-based group Arc Ecology (Brown and Caldwell 2004). The study investigated various wetland treatment alternatives, and the report included a conceptual design for the alternative that the Brown and Caldwell study identified as preferred (a forebay flowing into a pair of ponds and wetland marshes, as described above). The key assumption supporting the feasibility of the design was that recycled water would be available to supplement surface-water runoff during the summer months. The study focused primarily on the wetlands' benefits to wildlife habitat and less on the design basis for stormwater treatment.

The feasibility study report contained detailed information on the site's history, characteristics of the Parcel E landfill, and pollutants found there, as well as general background information. It should be read in conjunction with this preliminary design report.

1.5 SCOPE OF WORK

1.5.1 Scope of Preliminary Design

The scope of work for this preliminary design includes the following elements.

- Develop the design calculations that provide the basis for stormwater treatment of the proposed wetland system and its effectiveness for pollutant removal

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- Prepare a preliminary grading plan
- Further develop the conceptual design to evaluate implementation and constructability
- Prepare preliminary cost estimates for construction, operation, and maintenance of the system
- Participate in a community meeting and presentation of the system's design

1.5.2 Assumptions and Limitations

This report is based on the following assumptions and limitations.

- The topographic base map of Parcel E was provided by Hargreaves Associates using a scan of a map from a report prepared by Tetra Tech Inc. for the Navy (Tetra Tech 2003). No project datum or date of the survey was provided. We have therefore assumed a datum for this survey of feet NGVD (National Geodetic Vertical Datum, mean sea level 1929).
- We assumed that the area of the watershed draining into the wetlands — 38 acres — was correct as cited in the Brown and Caldwell feasibility report, since Navy regulations prevented us from visiting the site and we were unable to obtain current topographic maps.
- The footprint of the system will be equivalent to the footprint of the existing landfill, an area of approximately 20 acres.
- Final development plans for the Parcel E watershed are not yet available; however, we understand that the watershed area is intended for high-density residential housing. We have made a conservative assumption that the surface of the watershed draining into the wetlands is 80 percent impervious. A more pervious watershed area would result in less runoff and leave additional treatment capacity in the wetland.
- The proposed wetland system is designed only for stormwater treatment and not for reduction of flooding. We have assumed that flow equalization, if required, will occur upstream of the wetlands or is not required because the flow will be discharged into the bay. Some equalization of flood flows may occur in the wetlands, but designing expressly for flood equalization would require information about the proposed upstream development that is unavailable to us at this time, and it is therefore not included in the scope of this report.
- Since the details of the watershed development are unknown, we have assumed that stormwater will enter the forebay at the inlet location shown on the grading plans either by gravity or from pumping. The design of the inlet structure into the wetland system should be coordinated with the watershed development site drainage plans during final design activities for the system.
- This report is based on the assumption that the Navy or others will remove pollutants and debris from the landfill to allow for construction of the project. While not necessary for the successful construction of wetlands on

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Parcel E, the removal of the industrial landfill has been the Bayview–Hunters Point community’s preferred strategy since the 2000 fire at the landfill, and we have therefore based this report on that scenario.

- We have developed two cost alternatives (detailed in Section 5.0). The first assumes the Navy will remove all contaminated soils and leave the site at an elevation of –10 feet NGVD. The second assumes a combination of hot-spot removal and in situ cleanup along with importation of clean soils so that after the Navy completes its cleanup activities the site’s elevation will be at 0 feet NGVD. Notice that construction of the wetland will not necessarily depend on the Navy’s cleanup decisions, since there are a range of possible remediation scenarios, each with its own associated cost. However, the cleanup remedy implemented will strongly influence the quality of surrounding bay water habitat and compliance with community values and will be the subject of negotiations with the community and regulatory agencies.
- We have assumed that residual groundwater contamination will remain after cleanup, which will require a liner system between the wetland marshes and ponds and the groundwater.
- If significant groundwater contamination remains after cleanup, a groundwater extraction and treatment system may be required. However, the costs of such a system are not included in this proposal.

1.5.3 Modifications to Conceptual Design

This preliminary design addresses stormwater treatment and public safety by incorporating the following modifications to the 2004 feasibility study (Brown and Caldwell 2004).

- Adds a 5-foot-wide safety bench around the edge of each pond and the forebay to reduce the possibility of accidental drowning of anyone who may enter those areas. The benches consist of earthfill and wetland vegetation at an elevation approximately 1 foot below the design water level.
- Adds a small channel at a slope of approximately 0.5 percent graded into the bottom of each wetland marsh cell to allow for drainage if required.
- Increases the size of the forebay to contain enough volume to treat stormwater, as described in Section 4.
- Removes the large predator trench (described in the conceptual design as 8 feet deep and 20 feet wide) from the Dragonfly Pond. The proposed design maintains water in this pond with no drawdown, and therefore a deep trench provides no additional protection against predators. However, in the Wading Bird Pond, which is intended to draw down over a three- to four-week period, we kept a predator trench reduced in size to approximately 3 to 4 feet deep to inhibit predator access to the loafing island. The size of this trench has been reduced to save costs.

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- Modifies public access routes to reduce the impact of walking trails on use of the site by birds, while still maintaining generous public access. Also, the preliminary design reduces the extent of boardwalks over wetland cells to minimize human impact on the wetlands and reduce construction costs.

2.0 Stormwater Treatment Concepts

This section presents the major concepts and related considerations in stormwater treatment as proposed in this preliminary design.

2.1 HOW LAND DEVELOPMENT AFFECTS STORMWATER RUNOFF

Every site has its own natural hydrology, or patterns of water flow — through the air, across its surface, and under the ground. Constructing buildings and roads typically changes both the volume and pattern of the flow of water at a site and the kinds and quantities of pollutants and debris carried in the water.

When rainwater flows over the surface of a site, it is called runoff. Under natural conditions — that is, on land where no buildings, sidewalks, roads, or parking lots have been built — most of the rain that falls typically soaks into the soil, and runoff occurs only when the ground is saturated, for example during a heavy rainstorm.

Areas covered by buildings, sidewalks, roads, and parking lots, on the other hand, are impervious to runoff — they cannot absorb it. The denser a development is, the more impervious its surfaces, and the more runoff it generates. The surfaces of commercial and industrial areas typically are highly impervious to runoff. In general, the more impervious the surface of a watershed, the more pollutants its runoff contains (Center for Watershed Protection 2003).

Furthermore, land development typically leads not only to more but faster runoff, which can increase erosion and widen and deepen creek and river channels. Development also alters the timing and pattern of the flow of water. For example, relatively small flows that typically occurred once every one to two years before a site has been developed may occur several times a year after it is developed. These kinds of changes to a site's hydrology have detrimental effects on ecosystems and waterways downstream.

Finally, land development changes the nature of the pollutants carried by runoff. The type and proportion of pollutants in runoff generally correspond to the use of the land over which the water flows. When properly designed, stormwater treatment systems can lessen the impact of development on a site's hydrology and improve the quality of the water.

2.2 POTENTIAL POLLUTANTS IN STORMWATER RUNOFF

Stormwater treatment wetlands are most successful when they are designed with known pollutants in mind. The pollutants typically of concern in urban stormwater runoff include the following.



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- Mineral and organic matter (frequently reported as total suspended solids or TSS)
- Excessive plant “nutrients” (primarily nitrogen and phosphorus in plant fertilizers), which can cause excessive algal growth and depletion of oxygen)
- Hydrocarbons (such as oil, grease, and gasoline)
- Other “organic” chemicals such as pesticides
- Trace metals
- Pathogens

The actual pollutants in stormwater depend on the specific conditions at a site and its watershed. Some information on the Hunters Point site is available from the Navy’s past stormwater monitoring, but redevelopment of the watershed will undoubtedly alter runoff characteristics significantly.

Land use strongly influences the types of constituents that may be found in runoff. Residential areas typically contain more turf, and the runoff that flows from them typically contains elevated levels of fertilizers and pesticides. Runoff from commercial and industrial areas may contain fewer of those chemicals but more metals associated with mechanical and industrial processes. The level of automobile traffic in an area is correlated with levels of hydrocarbons in runoff.

The preliminary design for the Hunters Point Shipyard project is based on the assumption that pollutants in stormwater runoff from the redeveloped watershed area will be comparable to runoff from other high-density residential developments. The extent to which previous land use will continue to influence pollutants in the runoff is unknown.

Table 1 summarizes data from stormwater monitoring the Navy performed at the Hunters Point Shipyard in 2004–2005, which involved two rounds of collection and analysis of stormwater samples at three locations. To assess the potential effectiveness of wetlands in treating stormwater at the site, we also examined several data sets of national and regional average conditions (Center for Watershed Protection 2003; Kadlec and Knight 1996). Table 2 compares the Hunters Point monitoring data with data for selected residential areas a set of national data; a set of data averaged from four areas with low rainfall (Phoenix, Arizona; San Diego, California; Boise, Idaho; and Denver, Colorado); and data for the San Francisco Bay Area. The data show what chemical constituents are typical in residential areas, in order-of-magnitude concentrations. These data are useful only for planning purposes, to provide a very rough estimate of the types and amounts of pollutants that would likely be found in the influent of the proposed wetlands once residential development has been completed upland from the wetlands site.

Some studies have shown that urban stormwater runoff in arid areas may have higher chemical constituent concentrations than runoff in areas with more rainfall (Center for Watershed Protection 2003). As Table 2 shows, both the existing data on the site and the regional data for the Bay Area show constituent concentrations comparable to the averaged concentrations in the four low-rainfall areas. The Hunters Point data show comparatively elevated levels of some metals, as might be

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expected given the history of land use at the site. We anticipate that regulations will require the proposed wetland design to treat runoff typical of high-density residential development, and possibly also elevated levels of metals, depending on the extent to which redevelopment and cleanup remove the sources of pollutants.

2.3 STORMWATER TREATMENT PROCESSES

Pollutant removal in stormwater treatment systems — including ponds and wetlands — involves a range of physical, chemical, and biological processes. The main treatment mechanisms are water detention [storage of water to allow for physical settling of particles] and biofiltration (adsorption of particles to wetlands vegetation).

2.3.1 Physical and Chemical Processes: Sedimentation and Adsorption

The primary physical and chemical processes involved in stormwater treatment in general (and the proposed design in particular) are adsorption and sedimentation. These processes both remove pollutants suspended in the water. Adsorption is a physical process by which particles adhere to another surface or medium (such as soil or vegetation). Sedimentation happens when particles suspended in water fall to the bottom and are removed from the water stream.

The proposed design does not include any elements specifically based on chemical precipitation, which is a less important removal mechanism for most stormwater treatment wetlands. There are exceptions under certain conditions for specific pollutants; for example, under high-pH conditions, chemical precipitation may be used to remove phosphorus.

In addition to the pollutants listed in Section 2.2, stormwater runoff typically carries a high proportion of solid materials. The materials vary but may include soil particles from eroding surfaces, incompletely decomposed organic matter such as grass clippings, wood fragments, and small particles from asphalt, tires, and so forth. These types of pollutants would typically be removed in the forebay of the proposed project, which is designed to settle large particles and debris.

A large percentage of the pollutants typically carried in stormwater may be adsorbed onto particles of these solid materials. The particles can then settle out in a detention basin or wet pond. This process removes pollutants from the flow of water where they can be removed at a later date or are safely contained at the site. Furthermore, once they have settled, the sediments at the bottom of the basin or pond can continue to adsorb more pollutants.

Organic matter produced within a pond or wetland — the remains of plants, animals, and microorganisms — also settles to the bottom. The sedimentation of this decomposing matter “sequesters” them, keeping chemical nutrients from producing excessive vegetation growth of algae which reduce oxygen levels. Chemical nutrients in bottom sediments can be released into the water under anoxic (oxygenless) conditions. Therefore it is important that pond waters be maintained in a well-oxygenated condition.



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2.3.2 Enhancing Sedimentation and Adsorption

The primary physical design parameters for enhancing sedimentation and adsorption are (1) residence time and (2) the ratio of surface area to volume of water. Residence time is defined as the time water spends in a pool while flowing from inlet to outlet. A longer residence time allows for more adsorption, sedimentation, and biological processing.

A suspended particle has both a forward velocity resulting from the flow through the pond and a vertical settling velocity. For a particle to settle out before it is discharged from the pond, its residence time, or time spent in the pool, must be equal to or greater than its settling time. The average residence time is defined as follows:

$$tr = Qp/q \quad (Qp = \text{volume of pool or pond}; q = \text{inflow})$$

Settling time is defined as follows:

$$ts = Dp/Vs \quad (Dp = \text{pool depth}; Vs = \text{settling velocity})$$

The settling velocity and settling time depend on the size and specific gravity of the particle to be settled. Table 3 shows typical particle settling velocities and times.

Other things being equal, shallow ponds and wetlands are preferable to deeper. Particles settling in deeper pools take longer to reach the bottom than in shallower pools. (Notice that pool depth is the second term in the settling time calculation shown above.) Once particles reach the bottom, additional energy is required to re-suspend them. In addition, the sediment-water interface is where most adsorption occurs, and therefore the more surface area available in relation to the volume of influent the better.

Consider a 1-acre pond with vertical sides 2 feet deep, and a 2-acre pond 1 foot deep. The latter has almost twice the surface area of the former for the same volume, and therefore twice the potential area for physical processes to operate. (The 2-foot-deep pond has a relatively minor increase in the surface area of its sides compared to the 1-foot-deep pond.) In wetlands, both nitrogen and phosphorus removal are related to the area of wetland vegetation (Kadlec and Knight 1996). However, effective treatment system design requires balancing the desirability of a high surface area for treatment against other considerations. Usually available treatment area is limited by economics or land availability. Water at least 3 feet deep is required to inhibit the growth of wetland vegetation and maintain open water areas. Deeper water also helps maintain cooler water temperatures, which can be important to some species.

2.3.3 Biological Processes

Biological processes involved in stormwater treatment include both direct use and transformation of pollutants by organisms (such as bacteria and plants) and the modification of physical and chemical conditions that in turn support or influence other processes. The interactions between biological and physical processes that contribute to reducing pollutants and improving water quality are complex. The specific pollutant determines which processes are important. This section summarizes biological processes related to treating chemical nutrients, trace metals, and pathogens in wetland treatment systems.

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2.3.3.1 *Plant Nutrients*

Wetland treatment systems have been shown consistently to reduce total nitrogen concentrations in many situations (Kadlec and Knight 1996). Their ability to remove phosphorus over the long term is more variable. Nitrogen removal involves a diverse set of biological and chemical processes. Excess nitrogen in stormwater runoff can be removed in a wetland by being released to the atmosphere as a gas (in a process called nitrification). The complex series of transformations required to achieve this removal (ammonia to nitrite to nitrate to nitrogen) are mediated by different species of bacteria, some species preferring anaerobic and others aerobic conditions. Shallowly flooded soils in wetlands help create anaerobic conditions in soil sediments. Bacteria live in association with the stems and roots of wetland and aquatic species of plants, as well as in the soil. Plant roots and rhizomes provide surfaces for bacterial growth. Plants translocate oxygen from shoots to roots. The root zone therefore offers an oxidized microenvironment in an otherwise anaerobic substrate. This microenvironment stimulates both the decomposition of organic matter and the growth of nitrifying bacteria.

Algae and bacteria use plant shoots and leaves as substrates for growth. Plants, algae, and other microorganisms all make direct use of nutrients as well. However, the nutrients taken up directly by organisms are recycled to the system when they die. Only a fraction of the nutrients are removed from the system by being deposited in sediments as incompletely decomposed biomass.

Wetlands can work well to remove nitrogen because they contain a combination of aerobic and anaerobic conditions favorable to the nitrification-denitrification process. Plants help create these physical conditions.

Phosphorus, which lacks a gaseous phase like nitrogen, is only removed on a long-term basis by being sequestered in sediments. The potential long-term phosphorus removal rate by wetlands is therefore generally lower than for nitrogen. Phosphorus binds chemically to soil particles. New wetlands often have a large capacity to adsorb phosphorus, and therefore removal rates in the first few years after construction are often high. Eventually, however, sediments reach their capacity to adsorb phosphorus and removal rates decline, and long-term sustainable removal rates are much lower.

2.3.3.2 *Metals*

Wetlands interact strongly with trace metals in a number of ways and thus are potentially capable of retaining significant amounts of trace metals. There are three major retention mechanisms for metals:

- Binding to soils, sediments, particulates, and soluble organics
- Precipitation as insoluble salts, principally sulfides
- Uptake by bacteria, algae, and plants

Metals taken up by bacteria, algae, or higher plants may be either incorporated into tissues or transformed into less-toxic compounds, but the primary long-term repository for trace metals is wetland sediments. Sulfide precipitation, a source of odors, is controlled by bacteria within sediments in a wetlands system. High levels

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of many metals can be toxic to wildlife, plants, and humans, and must therefore be monitored closely. In situations where a waste stream is very high in specific metals, phytoremediation (remediation using plants) systems may employ specific plant species with known affinities for those specific metals; but at the lower concentrations typical of urban stormwater, it is generally assumed that the varied plant and microbial complexes of wetlands can do the job.

Under high loads of pollutants, the capacity of wetland soils to bind metals can eventually be exceeded, which stops them from fully functioning as part of a treatment system. Under such conditions it is important to monitor pollutant levels in the sediments; this monitoring is included in the proposed design. The design allows for draining the ponds and wetlands, removing the affected soils and replacing the soils with clean substrate, which will allow the treatment system to begin functioning again. The need to follow this procedure is anticipated to be very infrequent, because the land use in the wetlands drainage area is anticipated to be high-density residential and thus would not be expected to produce large amounts of trace metals.

2.3.3.3 Pathogens

The intense microbial activity in wetlands provides many opportunities for predation and degradation of human pathogens such as bacteria. A suite of factors make wetlands a relatively hostile environment for pathogens: unfavorable temperatures, exposure to ultraviolet light, and biological interactions.

2.4 TREATMENT COMPONENTS OF THE PROPOSED DESIGN

Various options exist for treating stormwater, each employing these processes to varying degrees. The effectiveness of a given stormwater treatment system will vary based on factors including the type and load of pollutants. Combining different treatment components into a "train" can increase a system's overall effectiveness in treating a range of pollutants.

The proposed design combines three components that move the runoff in the following sequence: a forebay flowing into a pair of permanent wet ponds, with the ponds then flowing into two wetland marshes (Figure 3). The single forebay receives all incoming waters from the watershed. The flow out of the forebay is split into two ponds, and the outflow from each pond passes through the marshes before exiting into San Francisco Bay.

2.4.1 Forebay

In the proposed design, larger particles in the stormwater influent are intended to be settled in the forebay. The accumulation of the bulk of larger sediments in the forebay means that regular maintenance must be planned to remove the accumulated materials. The design of the forebay must account for the extra depth required for storage of settled materials.

2.4.2 Wet Ponds

Wet ponds are designed to use gravitational forces and biological activities to remove urban stormwater pollutants before discharging the treated runoff into a

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waterway. They are typically designed as flow-through systems that can also meet the onsite stormwater detention requirement for streambank erosion protection and flood mitigation.

Wet ponds in general are designed to have three stages with three corresponding volumes that are intended to meet water quality and detention requirements. The first two stages, permanent pool and extended detention, are required for all ponds and function primarily as a water quality control. The second stage may also provide some flow equalization. The third, optional stage, flood control detention, provides flood control. This third stage is not currently included in the proposed design and is not discussed further below.

The permanent pool and extended detention volume are designed to treat the entire drainage area, thus contributing to the control of pollutants that are not already addressed by water quality controls of the watershed development. As described in Section 4, the proposed design provides excess treatment capacity to accommodate treatment of runoff from additional watershed area.

- **Permanent Pool.** A wet pond has a permanent pool that is in place before a storm begins and is the lowest stage of the pond. This pool provides wildlife habitat as described in Section 3; it also has important water quality benefits. A permanent pool lengthens residence time, especially during the initial first flush of pollutants into the system, and it continues settling and biodegradation after the storm has passed. The permanent pool should remain nearly full at all times to provide a source of water for wetland plants, which are used for biological uptake and to minimize turbulence within the pond during storm events which may result in re-suspension of sediment. During storm events the pond is designed to flush out the treated water and replace it with “new” runoff.
- **Extended Detention Volume.** The extended detention treatment pool sits at a higher elevation than the permanent pool. This volume holds stormwater above the permanent pool elevation and is intended to fill up during storm events and provide 48 to 72 hours of stormwater treatment prior to emptying into the wetland cells for additional treatment. The extended detention portion of the pond minimizes turbulence in the pond by decreasing the pond flow-through rate and increasing the time in which treatment can occur during the storm through dynamic settling. The extended detention volume does not include the volume provided in the permanent pool because the permanent pool is designed to be full at the start of the rainfall event.

The removal efficiency of wet ponds is directly related to the time the runoff is held in the pond. The longer the runoff is held in the pond, the more settling and biological uptake that can occur. Given national and local monitoring data, we estimate that a hydraulic residence time of two weeks would provide an equivalent level of water quality treatment as sedimentation/filtration. Design guidelines (Caltrans 2002; California Stormwater Quality Association 2003) recommend that the permanent pool volume be at least two to three times the required water quality treatment volume for optimum treatment without short-circuiting through the system.

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The flow path of the pool needs to be as long as possible without creating “dead zones” within the pools where water stagnates and is not moved through the system. As described below, the proposed pond system has an island built into each pond to increase the flow path and improve the treatment effectiveness of the ponds.

As shown in Table 3, the time required to settle silt and larger particles is within the range of most pond systems. However, the settling rate of very fine clays and colloids is longer than would be practical for the proposed system. Sedimentation rates in the ponds will be much lower than in the forebay and will require much less frequent maintenance.

In the proposed design, we have assumed that supplemental water will be available to maintain the design pond level. As a rule of thumb for optimum water quality functioning, Ferguson (1998) recommends the permanent pool be equal in volume to the largest average monthly runoff. A larger volume may be desirable for habitat purposes. However, a wetland treatment design should also maintain a high surface-area-to-volume ratio to provide sufficient surface area for treatment.

2.4.3 Freshwater Marsh Cells

The constructed wetland cells in the concept plan are designed to support “emergent” (wetland) marsh vegetation. Wetland plants such as tule and bulrush (*Scirpus* spp.), rush (*Juncus* spp.), and cattail (*Typha* spp.) are called emergent because their roots and lower shoots grow under water, but most of the plant shoots and leaves emerge into the air above the water surface. These species grow best in shallow water (6 to 18 inches).

The wetland cells provide additional opportunities for particle sedimentation and sequestration, associated not only with additional residence time but with biological processes that flocculate smaller particles into larger and allow them to settle or be incorporated into biological materials. The presence of plants and their roots helps reduce sediment re-suspension. Densely rooted plants slow down stormwater and distribute flow uniformly. Dense stems and leaves provide surface area where biologically active algae and microorganisms live and process pollutants from the stormwater.

Treatment capabilities are related primarily to the surface area of the wetland, in relationship to the loading rate and residence time. For vegetation success, the primary design consideration for emergent marsh is to provide the appropriate shallow water level. Stormwater wetlands subjected to typical flash flows of urban hydrology are frequently less ecologically diverse than their natural counterparts. The forebay and pools above the wetlands in the proposed design should help to attenuate the effects of the developed watershed hydrology and improve the ecological value of these wetlands. Supplemental water in the dry season should also help dampen the oscillations typical of stormwater wetlands.

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3.0 Wildlife Habitat Design Concepts

The proposed design is intended to integrate wildlife habitat with stormwater improvement. Habitat design components were well developed in the feasibility study (Brown and Caldwell 2004). Below we have summarized and expanded on key design concepts.

Through a wetland complex of freshwater ponds and emergent marsh, the proposed design focuses on providing habitat for a diversity of resident and migratory bird species. The wetland will be located on the Pacific flyway, next to San Francisco Bay and to existing, though degraded, tidal wetlands. A 2003–04 wildlife census (LSA Associates 2004) at Candlestick Point State Recreation Area, immediately next to the project site, identified 118 bird species, in addition to another 36 bird species identified over several previous years of observation by other Audubon naturalists. The creation of 20 acres of new wetlands at Hunters Point will provide important support to many of these local and migratory wildlife species.

3.1 STRUCTURAL COMPLEXITY

Structural complexity is one of the most important components in developing a wetland that will support a wide range of wildlife species. Structural complexity can be achieved both through the physical design of the wetland system and through the plant communities and aquatic ecosystems established there.

The availability of water, through capture of stormwater runoff and through the reuse of reclaimed water, provides an opportunity to establish a range of plant communities and aquatic ecosystems that support different suites of bird species, as well as other associated wildlife.

- **Deep water** areas will provide habitat for open water feeders, including grebes, scaups (diving ducks), mergansers, and other species that dive for food, and for species that forage over open water, such as terns.

To support this suite of species, water should be deep enough to preclude the growth of emergent vegetation, four to six feet, or deeper. Some open water areas should be of adequate length, approximately 200 feet or longer, to accommodate birds that need a running start to take flight from the water surface.

- **Shallow water** areas will provide habitat for dabbling ducks and other species that feed by skimming food off the water surface or tipping forward to feed in the shallows, such as mallard, pintail, teals, coots, and gulls. Shallow water areas are also important for wading birds such as the great blue heron and the great egret, which typically feed while wading or standing at the water's edge.

Shallow water areas should range from 1 to 3 feet deep. These areas will support algae and aquatic vegetation.

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- **Pond edge and mudflat** areas will provide habitat for shorebirds that feed while wading in shallow water or probing in mud at the water's edge, such as avocets, plovers, and sandpipers.

Mudflats are characterized by moist substrate, absence of vegetation, and the presence of soil-dwelling invertebrates and other species. Typically mudflats are present where the water inundation cycle prevents emergent vegetation from growing and temporarily exposes a moist substrate. Mudflats can be created along pond edges by periodic draw down of water levels.

- **Freshwater marsh** will provide habitat for species associated with emergent vegetation, such as the green heron, rail, marsh wren, red-winged blackbird, and salt-marsh yellowthroat. Tall wading birds will also use the marsh.

The two large wetland treatment cells will be managed to create emergent marsh conditions.

- **Grassland** areas will provide habitat for species that prefer open habitats, such as meadowlarks and American goldfinch.

The berms between the wetland cells and the perimeter edges of the wetland complex can be planted and managed as grassland habitat.

- **Generalists.** All the plant communities developed at the wetlands will provide habitat for generalist bird species that are tolerant of human presence or attracted to landscaped areas, such as doves, hummingbirds, jays, mockingbirds, and robins.

The overall structural complexity of the wetland will be enhanced by the use of several cells. The forebay, two ponds, and two wetland cells included in the design will each be designed and managed slightly differently to enhance the diversity of habitat in the wetland.

The physical diversity of a site can also be enhanced through the design of islands and loafing strips. Islands provide waterfowl with resting habitat that is protected from predators. They also provide the birds using them with clear lines of sight. Loafing strips — long, thin areas of very shallow water — can be connected to islands and provide birds with excellent resting, nesting, and foraging habitat. The proposed design includes two islands.

3.2 PLANT SPECIES

The primary drivers of wetland ecological success are site hydrology in relation to topography and soils. Wetlands are areas inundated by water for at least a portion of the growing season. This water regime produces hydric (frequently water-saturated) soils, and only plant species adapted to these conditions can survive there. The depth and length of time an area is flooded, and the pattern of flooding and drying over time, are the primary drivers of what specific types of vegetation will prevail in any given location.

Emergent plants, such as various species of bulrush and tule (*Scirpus* spp.), rush (*Juncus* spp.), reed (*Phragmites communis*), or cattail (*Typha* spp.) grow up and out

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of shallow water. Though they are capable of surviving and thriving in permanently flooded shallow water, they are generally tolerant of occasional drying out, as long as it does not persist too long. All require drier moist soil rather than flooded condition to establish from seed, but once established they can continue to expand through vegetative reproduction.

Submerged and floating aquatic plant species typically grow completely within the water column, though some may raise their flowers above the water. Submerged aquatic species grow with their roots in the soil, while floating aquatic species grow on the water surface with their roots in the water column. Typical submerged aquatics include pondweeds (*Potamogeton* spp.), milfoils (*Myriophyllum* spp. — includes native as well as nonnative invasive species), and *Ruppia* spp. Native aquatics include duckweed (*Lemna* spp.) and water fern (*Azolla* spp.).

The best results in establishing a diverse suite of native plant species in a wetland complex are achieved through the design of varied site topography, the provision of adequate water and the management of that water, and through the introduction and planting of a diverse suite of native plants grown from locally collected ecotypes. The exact locations where different species may thrive is difficult to predict, given the complexities of interactions between water level patterns, water and soil fertility, and other factors. Over time, after the introduction of a diverse set of plant species to the site, those best adapted to the various niches created will begin to occupy those niches wherever they occur.

4.0 Preliminary Stormwater Wetland Design

This section describes the preliminary design and presents the design basis for the wetland system. Figure 3 shows a grading plan for the proposed wetland system as well as the major public access and trail routes. Figures 4 and 5 are illustrative views of the wetland. Figure 6 shows cross-sections through the system.

4.1 SYSTEM LAYOUT AND CONFIGURATION

This section describes the grading and configuration of the various parts of the proposed system. The layout and grade slopes are subject to change during final design, especially after the project geotechnical engineer makes recommendations on allowable levee and pond grading slopes and levee construction details.

Table 4 summarizes the volume capabilities and other design characteristics of the proposed system.

4.1.1 General

The site is surrounded by a 12-foot-wide roadway that provides access to all parts of the site ponds and wetland cells. Maintenance roadways also run between the various ponds and cells. Roadways are maintained at elevation +12.5 feet NGVD along the forebay, grading down to elevation 12 feet NGVD for the levee around the Dragonfly Pond, and to elevation +11 feet NGVD for the levee around the Wading Bird Pond, finally grading down to elevation +6 feet NGVD for the levees around the wetland cells. The maintenance road also functions to provide trail access through the site at designated locations (see Figure 3).



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4.1.2 Forebay

The forebay is approximately 1.5 acres in area. The bottom elevation of the forebay is set at +2.5 feet NGVD and the normal operating pool level within the forebay is +8.5 feet NGVD, giving a depth under normal day-to-day conditions of approximately 6 feet. The forebay sides are graded on a 3:1 slope from the perimeter access road at elevation +12.5 feet NGVD down to a 5-foot-wide safety bench at elevation +7.5 feet NGVD. At a normal water level, the safety bench will be submerged approximately 1 foot, allowing for the growth of fringe wetland vegetation around the perimeter of the forebay. An access road is also graded into the forebay to facilitate removal of accumulated sediments. The forebay is designed to allow for approximately 2 feet of sediment accumulation in the bottom areas, that is, accumulation to an elevation of approximately +4.5 feet before maintenance is required.

The forebay includes an inlet pipe where stormwater from the watershed area enters the site. Since details of the upstream development are not known at this time, the details of this connection will need to be developed during final design. The forebay inlet structure should also be designed to divert very high flows (above the system design capacity) away from the forebay to the existing seasonal wetlands south of the proposed treatment wetland. This will limit the potential for re-suspension of sediments in the forebay due to high turbulence, and the possible transport of contaminated sediments out of the forebay and into the pond/wetland system.

4.1.3 Wet Ponds

On leaving the forebay, the stormwater flow splits approximately half and half into two extended detention ponds: the Dragonfly Pond to the east and the Wading Bird Pond to the south. Each pond will be just under 3 acres in surface area at the permanent pond elevation, which is +7 in the Wading Bird Pond (provides for a permanent pool depth of 5 feet at maximum depth) and at elevation +8 feet NGVD in the Dragonfly Pond (provides a permanent pool depth of 6 feet). Each pond contains an island with a loafing strip that provides nesting, refuge, and foraging habitat for birds. The islands also act as berms, splitting the pond into two effective treatment cells, thereby inhibiting short circuiting and promoting water treatment.

The water elevation in the Dragonfly Pond will be held constant at a depth of 6 feet to provide habitat for appropriate bird species. The water level in the Wading Bird Pond will be designed to draw down slowly and refill every four to six weeks during the spring through fall. The bottom elevation of the Wading Bird Pond slopes gradually to the island to allow for emergence of mudflats at different elevations as the water level is periodically lowered. This will expose benthic animals living in the sediment, thereby facilitating foraging by mudflat loving bird species. The Wading Bird Pond also includes a predator trench, roughly 3 to 4 feet deep, around the circumference of the pond to prevent land predators from getting to the islands at low water levels.

Both ponds are graded at a 3:1 slope from the access road to a 5-foot-wide safety bench at an elevation just below the permanent pool depth. This safety area is located one foot below the permanent pool depth within the ponds. It is intended to reduce the possibility of accidental drowning by persons falling into the ponds. A

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safety fencing system should be developed during final design to further discourage people from entering the ponds.

4.1.4 Wetland Cells

Each pond will discharge into a separate wetland cell. Each wetland cell is approximately five acres in surface area at the normal pool level of +3 feet NGVD. The bottom elevation in each cell grades from approximately 2.5 feet near the inlet to 0 feet at the outlet. The water depth in the wetland cells will therefore vary from 6 inches at the inlet end to 3 feet at the outlet pipe into San Francisco Bay. Water depth over most of each cell will range from 6 to 18 inches, which is optimum for growth of emergent vegetation and water quality improvement. A shallow drainage swale has been graded into the bottom of each wetland cell to allow for drainage of the cells and to minimize stagnant water areas and help reduce mosquito production. (See Section 4.7.2 for further discussion of mosquito control techniques.)

A deeper permanent ponded area that will not drain by gravity has been graded into each cell to provide deep-water refuge for fish. These areas are excavated down to an elevation of -2 feet, approximately 6 feet deeper than the surrounding surface. A shallower pond, approximately 3 feet deep when water is at normal pool level, is contained within each cell at the outlet end. Depths of 3 feet should prevent colonization of the ponds by emergent vegetation.

Note that the outlet pipe elevation of 0 feet NGVD means that the wetland cells will not be able to gravity drain except at lower tide elevations. The outlet pipe will require a flap gate to prevent saltwater intrusion from the bay into the wetland cells. Should the outlet pipe check valve fail in the open position, salty bay water will enter the wetland cell potentially up to elevation +3.5 feet NGVD and would likely affect freshwater vegetation in the wetland cell.

4.2 STORMWATER TREATMENT EFFECTIVENESS

This section summarizes the preliminary design's potential effectiveness in stormwater treatment. We will consider water quality treatment volume first; then we will discuss potential pollutant removal rates.

4.2.1 Water Quality Treatment Volume

This section presents the results of analysis of stormwater treatment effectiveness for the proposed pond and wetland treatment system for the anticipated water quality treatment volume. In addition, we have estimated the additional area of watershed that could potentially be treated within the proposed system. Estimates of additional area that could be treated are approximate, since estimates of treatment effectiveness depend on many factors that are currently unknown.

The proposed pond and wetland system is a type of volume-based treatment system. The design goal is to contain the calculated water quality treatment volume within the system for a specified period, typically 48 to 72 hours, to allow for natural processes such as settling and biological uptake to remove pollutants. Volume-based stormwater treatment systems require determination of the water quality treatment volume, which is defined as the 85th percentile of all storms



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within the period of record of the site-specific rain gauge data (Camp, Dresser & McKee 2003).

The nearest full-time rain gauge with a significant period of record is the Mission Dolores Station, which has daily measurements from 1914 through 2005. FarWest Restoration Engineering purchased the data set and prepared a cumulative histogram of storm events for the entire period of record (Figure 7). From that information, we calculated the 85th-percentile storm event at approximately 1.5 inches of rainfall per day.

Assuming that the entire 38-acre watershed area is 80 percent impervious (see Section 1.5.2), we calculate the water quality treatment volume at approximately 1.2 million gallons of stormwater. We used this volume as the basis for the preliminary design.

- Figure 8 shows stage-storage curves (that is, the volume of water storage in each pond at different elevations) for the forebay and treatment ponds.
- The permanent water level elevation is the water level that is assumed to be continuously maintained by supplemental water as required to meet habitat and wildlife goals. The permanent pool volume is also essential for treating the first flush of stormwater.
- The extended treatment water level elevation is the capacity of the ponds and cells to store and treat water by physical settling and biological processes immediately following storm events.
- The remaining elevation from the top of the extended detention water level to the top of the levees is considered freeboard elevation and has been designed for a minimum of 2 feet.

A discussion of anticipated water control structures is included within each treatment unit. The discussion of water control structures is preliminary and will be refined during final design of the project. The final selection and sizing of water control structures will depend on the final hydraulic analysis of runoff into the treatment wetlands, which requires an understanding of the upstream development in the watershed.

4.2.2 Evaluation of Treatment Effectiveness

As described above, hydraulic residence time is the single best indicator of stormwater treatment effectiveness in a well-designed pond and wetland system. Final residence time calculations require knowledge of the watershed development and calculation of stormwater flows, which are then modeled with specialty hydraulics software to determine the treatment system flow characteristics such as residence time, detention storage, and outfall hydraulics. This level of hydraulic analysis was beyond the scope of the preliminary design but should be performed during final design activities in coordination with the proposed site development. A first-cut assessment was provided for the forebay.

As a substitute for detailed hydraulic analysis and calculation of residence time, we have used a conservative assumption that the combined extended detention storage volume of the forebay, ponds, and wetlands equals the effective treatment

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capability of the system. This approach is in accordance with Regional Water Quality Control Board guidance documents and essentially equates the treatment capacity with the effective storage capacity of a wetland system.

4.2.3 Forebay

4.2.3.1 Treatment Capacity

As shown in Table 4, the forebay has a permanent pool volume of 2.59 million gallons and an extended storage volume of 1.075 million gallons. The goal for the forebay is to maintain a minimum residence time of 60 minutes. That goal is based on an assumed inflow, which will require analysis of the proposed watershed development; as discussed above, that information will be obtained during final design activities. As a first-cut estimate of residence time we have assumed an average inflow of 0.6 cubic feet per second (cfs) (equivalent to 270 gallons per minute from a one-year Type IA storm; see Section 4.3.1 and Figure 9), which gives an average residence time of 1,075,000 gallons/270 gallons per minute, or approximately 66 hours of total residence time — more than enough to settle large particles, according to Table 3. The forebay thus has excess capacity for particle settling before water treatment in the wetland ponds and cells. The water control structures in the forebay will be designed to allow for a maximum residence time of 24 hours.

The final determination of residence time requires knowledge of the inflow into the forebay system. The time of concentration and detention storage characteristics of the upstream development — currently unknown — will also affect the flow into the system.

4.2.3.2 Water Control Structures

The forebay will require three types of water control structures.

- **Inlet Structure.** The inlet structure must allow for piping of the water quality treatment flows into the forebay while shunting higher stormflows away from the treatment wetlands and directly into the existing wetlands to the west. The outlet pipe into the existing wetlands should be designed with energy dissipation to avoid erosion.

The exact configuration of the inlet pipe and diversions will need to be determined during final design activities in coordination with the upstream development and grading.

- **Flood Flow Overflow Structure.** The forebay should be graded with a lowered spillway section at elevation +11.5 to +12 feet NGVD to allow for overflow of high flows directly into the adjacent existing wetlands to avoid overtopping of the levees.
- **Pond Flow Structure.** There are a variety of pond overflow structures that can be used to move water from the forebay into the detention ponds. We anticipate that the forebay will contain two overflow structures that flow into each detention pond. The outlet flow structure (used to drain the forebay for maintenance purposes) will consist of an outlet riser pipe with an 8-inch discharge pipe to drain the forebay.

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4.2.4 Wet Ponds

4.2.4.1 Treatment Capacity

The calculated treatment storage capacity; of the Dragonfly Pond is approximately 1.907 million gallons; the capacity of the Wading Bird Pond is approximately 1.655 million gallons (Table 4). Together the two ponds provide three times the capacity of the water quality treatment volume. Given the large capacity of the ponds, the water control structures can be designed to allow for draw down of the detention ponds over whatever residence time is required. Typically, for detention ponds a 48- to 72-hour draw down time is designed to avoid excessive ponding and mosquito production. The extended detention capacity of the ponds will be drawn down within 72 hours.

Additional residence time is provided within the permanent pool volume. Removal of nutrients could require up to one week of residence time. With a capacity of twice the design treatment volume, the permanent pools should provide an average of two weeks' residence time even in the wettest months.

4.2.4.2 Vegetation

The only vegetation in the detention ponds occurs in the 5-foot-wide safety bench that surrounds the ponds. In this bench, emergent vegetation such as tules will be planted and will provide some biological treatment as well as diversify wildlife habitat within the ponds.

4.2.4.3 Water Control Structures

The water control structures within each pond will vary because the operating regime within each pond is different.

Wading Bird Pond. Within the Wading Bird Pond, the operating regime is intended to draw the pond down slowly over a three- to four-week period. We anticipate using an inlet control vertical or riser type orifice with a perforated standpipe to allow for the gradual lowering of the water level.

Dragonfly Pond. We anticipate that this pond will have a standard riser and horizontal orifice inlet since the pond level is not designed to change continuously. All water control structures will be placed off the bank for both ponds to allow for easy access and maintenance.

4.2.5 Wetland Cells

4.2.5.1 Treatment Capacity

The wetland cells treat water primarily through biological treatment within the wetland vegetation. Residence time is also a key indicator of treatment effectiveness. The operating water level within the cells is approximately +3 feet NGVD. However, the emergent vegetation within the wetland cells treats stormwater as it flows through by a combination of physical and biological treatment.



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4.2.5.2 Vegetation

In the wetland cells, we anticipate that the plantings will consist primarily of tules and rushes. Some cattails may establish themselves but won't be planted.

4.2.5.3 Water Control Structures

The water control structure proposed for both wetland cells 1 and 2 will consist of overflow weirs with a gravity drainage pipe at the bottom set at elevation 0 feet NGVD. Given that the ponds and cells are designed to allow for gravity drainage to San Francisco Bay at low tides, the outfall pipe will require a tide gate check valve to prevent inflow of bay waters into the project wetlands.

4.2.6 Overall System Treatment Capacity

The combined extended storage volume for the proposed pond and wetland system is approximately 7,660,000 gallons. This volume is approximately 6.4 times the required water quality treatment volume (as described in Section 4.2.1). At the assumed watershed development impervious percentage of 80 percent, the proposed wetlands system could treat an additional development area of approximately 200 acres over the current proposed development size.

4.2.7 Effectiveness in Removing Pollutants

We reviewed the U.S. Environmental Protection Agency (EPA) technology fact sheet for wet ponds as a guide to the treatment effectiveness of the proposed pond and wetland system (U.S. EPA 1999).

Table 5 shows expected treatment effectiveness for wet ponds.

Treatment effectiveness is improved by longer hydraulic residence times. Notice that these removal values are just for the wet ponds. The proposed system includes constructed wetlands that will further improve water quality prior to entering the bay. A review of the International Stormwater Best Management Practices database (U.S. EPA/ASCE 2006) also shows that the proposed pond and wetland system should be highly effective for the treatment of constituents commonly associated with stormwater from urban developments.

4.3 OTHER HYDROLOGY AND FLOW CONSIDERATIONS

4.3.1 Estimation of Flood Flows

This report evaluates the effectiveness of the proposed wetlands for stormwater treatment. Wetlands of this type are commonly used for flood flow equalization of stormwater flows after development. However, given that the discharge will flow into San Francisco Bay, it is not clear whether post-development hydrograph modification is required; if it is required, we have assumed that the developer will implement it upstream of the proposed wetlands.

As a first-cut estimate of stormwater flows, we have run the TR-55 program on the basis of a very impervious curve number of 95 (corresponding to an almost completely impervious watershed) to estimate potential flood flows into the system, which is a conservative assumption. We have also assumed a time of concentration

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(Tc) of 0.25 hour (15 minutes); calculation of Tc requires knowledge of the flow characteristics of the developed watershed area to which we currently do not have access.

On the basis of a first-cut analysis of flood flows using TR-55, we estimate that for a Type IA storm (typical for this area) the peak stormflows for the 10- and 100-year rainfall events would be as follows:

10-year event: 9.6 cfs

100-year event: 33 cfs

The spillway leading into the forebay should be designed to handle the 100-year event by bypassing the proposed pond and wetland system and discharging directly into the existing wetland. Note that the hydraulic analysis above is very preliminary and is intended solely as an approximation of potential storm flows for this preliminary design report. A more detailed hydrologic analysis of flood flows should be performed as part of final design efforts for the project following analysis of the entire watershed and the proposed development.

4.3.2 Supplemental Water Volumes

The Brown and Caldwell feasibility study included an estimate of the supplemental water volumes required to provide the wetland and pond system with water on a year-round basis. Table 6 shows the required supplemental water volumes by month.

Notice that the Brown and Caldwell study was based on the assumption that 39 percent of rainfall will infiltrate the ground and will not run off as stormwater. Depending on the final upstream development plans, the actual percentage of infiltration may be lower and the amount of annual runoff greater. However, the estimated supplemental water volume is probably accurate for the critical summer months.

We have assumed that the source of the supplemental water will be a recycled-water plant at Hunters Point. Designs for this facility are reportedly on hold pending site development plans. Section 4.8 discusses alternative sources of water in case the recycled-water plant is not built.

4.4 HABITAT DESIGN

4.4.1 Forebay

The forebay and wet ponds are designed to preclude the establishment of emergent and rooted aquatic vegetation over most of their areas. On the shallow perimeter safety benches, emergent vegetation will be established. Tules (*Scirpus acutus*) along with other bulrush species such as common three-square (*S. americanus*) and California bulrush (*S. californicus*) will be the dominant species. Plants for transplanting should be propagated from locally collected ecotypes. It is likely that cattails (*Typha* spp.) may also establish themselves in these areas, but cattails are not proposed for planting. In wetlands subject to regular disturbance such as stormwater wetlands, cattails can sometimes spread aggressively. The spread of cattails would diminish the area of open water necessary for effective functioning of

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the system. Cattail establishment should be monitored and management undertaken if necessary to keep this plant in check.

At the permanent pool's edge and up the slope of the berms other rushes, sedges, and grasses can be established. Baltic rush (*Juncus balticus*) grows at the upland edge of many marshes in the area and can be planted here. Other potential rush species include softstem rush (*J. effuses*), dagger-leaf rush (*J. ensifolius*), and gray rush (*J. patens*). Creeping wildrye (*Leymus triticoides*), Barbara's sedge (*Carex barbarae*), and clustered field sedge (*Carex praegracilis*) can be established in moist areas above the permanent pool elevation. Saltgrass (*Distichlis spicata*) is another candidate for establishment in this area. Other native grass species suited to drier conditions can be established on the upper portions of the slope. Patches of shallow rooted shrubs can be planted on the berms to further diversify the habitat. Wild rose (*Rosa californica*), mugwort (*Artemesia douglasiana*), blackberry (*Rubus ursinus*) are among the species that could be included.

While the permanent pool levels have been established to preclude the establishment of rooted aquatic plants over most of the pond area, some areas appropriate for establishment of these species will occur in the transition zones from deep water to the safety benches, and perhaps in areas along the safety benches as well. The most common freshwater aquatic species in the Bay area are pondweeds (*Polygonum* spp.), of which numerous species could be planted.

The forebay will provide habitat for migratory birds and dabbling or diving ducks. Species likely to be found in this pond would include diving ducks such as bufflehead, greater and lesser scaup, and ruddy ducks. Dabbling ducks such as mallards and American wigeon and other diving waterbirds such as horned grebes may also make use of this pond.

4.4.2 Wet Ponds

The vegetation of the two wet ponds will be similar to that of the forebay, though perhaps somewhat more diverse since the forebay will help to buffer the ponds against the "flashier" flows of urban stormwater runoff (more water flowing more quickly over impervious, paved areas) that would hamper the growth of vegetation. As with the forebay, a shallow safety bench will be built around the pond perimeter. A suite of species similar to those described for the forebay will be planted and allowed to find their niche within the ponds and on the upland slopes above the pond. The differences in management of the two ponds will likely result in a different suite of species becoming dominant in each. The grass, sedge, and rush species planted on the pond slopes can also be planted on the islands.

Dragonfly Pond. The Dragonfly Pond consists of a pool with a constant depth of 6 feet. This pool will be used primarily by diving waterbirds as resting and feeding areas. Such birds include buffleheads, ruddy ducks, greater and lesser scaups, and occasional ring-necked ducks, surf scoters and canvasbacks. Pied-billed and horned grebes may use the pond, as may coots. The island in the pond will attract shorebirds such as killdeer (which may also nest on the island), western and least sandpipers and willets. If fish are introduced to the pond system, terns and cormorants are likely to feed on them.

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Wading Bird Pond. The water level in the Wading Bird Pond is intended to fluctuate up and down over a three- to four-week cycle. At greater water depths the pond should provide habitat for diving ducks (see above) and dabbling ducks. The latter prefer to feed in 12–18 inches of water, feeding not by diving but by simply putting their heads under water and their tails in the air. Dabbling ducks such as American wigeons, mallards, cinnamon and green-winged teals, northern shovelers and pintail ducks are likely residents. Wading birds such as great and snowy egrets are likely to be found at the pond edges as will the great-blue heron (especially if fish or mice and voles are present). Coots and grebes will also be found in this pond.

When the pond water level is lowered the bottom elevation will be exposed. At this depth, the pond should provide habitat for shorebirds and other birds that feed on the invertebrates such as worms and crustaceans found on or in the exposed mud. These birds include western and least sandpipers, spotted sandpipers, killdeer, willets, marbled godwits, yellowlegs, avocets, and many others. All of these species will also use the island as a roosting site.

4.4.3 Wetland Cells

The wetland cells will be planted with the same tule and bulrush species (*Scirpus acutus*, *S. americanus*, and *S. californicus*) as will be planted on the safety berms of the forebay and ponds. The berm slopes at and above the permanent pool elevation will be planted with a similar mix of native grasses, sedges, and rushes as discussed above for the forebay and ponds.

The wetland cells should provide habitat for more secretive waterbird species such as rails. These birds, including the Virginia rail and the sora, hide and breed in dense wetland vegetation and feed in the open channels on invertebrates and small mammals. The combined presence of large wetland areas next to the large open water areas of the ponds will provide a suite of diverse habitats in close proximity, supporting a diverse wildlife community.

4.4.4 Other Wildlife Species and Opportunities

The grassland areas that border the ponds will likely be inhabited by mice and voles as well as lizards and harmless snakes such as the garter snake. Amphibians such as the Pacific tree frog may also be found in the ponds and adjacent uplands, as well as numerous invertebrates including dragonflies and damselflies. All these creatures will provide food for raptors such as the red-tailed hawk and for other predators such as the great blue heron and black-crowned night heron. Peregrine falcons will feed on ducks or grebes. Red-winged blackbirds will nest in the tules and the shoreline vegetation, as will species such as the marsh wren and the salt-marsh yellowthroat. Song and savannah sparrows, yellow-rumped warblers, and other passerines will make use of marsh and adjacent upland vegetation. Burrowing owls or even golden eagles may occasionally be seen.

An island has been designed into each pond to provide refuge and potential nesting habitat. Such protected habitat could be diversified and expanded through the installation of floating islands. These are small rafts designed to provide habitat for particular bird species. They can be designed to support wetland vegetation or not depending upon the species to be encouraged.

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Given the presence of contaminated groundwater at the site, a clay liner has been included in the wetland design to separate the wetland waters from groundwater. No trees have been included in the planting design because their deep roots have the potential to penetrate and compromise the liner. If the groundwater contamination were remediated, the inclusion of small areas of willows within the overall wetland complex design would be very beneficial in diversifying the wildlife habitat value of the site. A natural habitat complex of willow woodlands, ponds, and wetlands was a common occurrence before the urbanization and land disturbance of the last 150 years.

The preliminary design focuses on providing stormwater treatment for the proposed residential development above it. Maximum use is made of the landfill site for that purpose. Educational and interpretive use of the site could be expanded if adjacent areas were also planted with appropriate native species, further diversifying the habitats. Additional patches could be developed to support butterflies, hummingbirds, and other high-visibility species.

4.5 PUBLIC ACCESS

Public access and education are important goals of the project. Figure 3 shows elements of the public access plan including location of trails, boardwalks, and an educational kiosk. The public access facilities shown need to be coordinated with conceptual planning efforts by Hargreaves Associates, the landscape architects for the Shipyard Waterfront Park Project. The public would access the wetland via a single entrance point located on the levee between the Dragonfly Pond and Wetland Cell 2. A number of observation decks with informational kiosks could also be included along the boardwalks. The observation decks would provide unobtrusive vantage points for observing the wetlands and wildlife. A wetland center near the public entrance or located as shown next to the forebay could be used to educate the public about the importance of wetland ecosystems. Office space could also be provided for volunteers to monitor and quantify bird use of the wetland, an important parameter in evaluating the success of the wetland system. In addition, a blind (a viewing area camouflaged from birds and wildlife) could be attached to the wetland side of the wetland center to allow for supervised, all-weather viewing of wetland plants and animals.

4.6 CONSTRUCTABILITY

In this section, we have identified specific construction requirements — elements of the project that might require a specialized contractor or coordination with other parties such as the upstream land developers.

As previously described, we are assuming that after landfill remediation and before wetland construction, the site will have a bottom elevation of 0 feet NGVD, sloping up 2:1 to match the existing ground elevation at the project boundary.

4.6.1 Levees

Levee construction will be an important part of the wetland system construction. The levees will be constructed on a soft foundation, only a few feet above the bay mud substrate. Most of the levees will have to be constructed with clean fill



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material. We have assumed that clean fill will be available from other excavation on site or from other construction projects nearby in San Francisco. Most of the levees have been assumed to have 2:1 or 3:1 side slopes for stability. More detailed geotechnical analysis will be done during the final design phase of the project.

At the project site, the soils are underlain by a deep foundation of bay mud and therefore construction of levees will require extra care and higher cost to achieve stability. The levees should have a wide base and may need to be raised frequently to compensate for long-term subsidence caused by compression of the underlying soils. The levee side slopes will be graded to promote vegetation growth while still retaining water. The percentage grade used for a given levee will depend on topographical features of the site, soil composition, vegetation selection, and the intended purpose of the constructed wetland. The exposed surfaces of the levee need to be protected from rain, wind, and wave erosion, as well as from burrowing animals. Rock riprap may be used to protect the levee, especially at outfall locations. If rodent burrowing and wind and rain erosion are not a serious problem, then the exposed surfaces of the levee may be covered with vegetation.

4.6.2 Impermeable Liner

Although it is assumed that most, if not all, of the existing waste and debris will be removed from the landfill area before the wetland is constructed, residual groundwater contamination is still likely. Therefore, an impermeable liner will likely be required to prevent infiltration of contaminated groundwater into the wetland ponds. Since the groundwater elevations are approximately +3 feet NGVD, an important design consideration for the project will be to secure the liner so that it does not float on top of the groundwater. This condition will be especially acute under conditions where the ponds are drained and there is no water weight in the ponds.

Pending more detailed analysis during final design, we have assumed that the pond liner will be installed at elevation -3 feet NGVD, which will prevent uplifting by allowing for 3 feet of soil fill above the liner to the pond bottom elevation of 0 feet NGVD. If additional fill depth is required, the pond liner may have to be installed at a lower depth; that analysis will be conducted during final design.

4.6.3 Permitting

The project likely will require permits from several agencies. Below is the full discussion of permitting from the feasibility report (Brown and Caldwell 2004).

The U.S. Army Corps of Engineers and the U.S. EPA will decide on a case-by-case basis whether or not particular bodies of water are considered waters of the United States. Although wetlands intentionally created from non-wetland sites for the purpose of wastewater or stormwater treatment are not normally considered waters of the United States, discharges from constructed wetlands to waters of the United States must meet applicable National Pollutant Discharge Elimination System (NPDES) permit effluent limits and state water quality standards (Hammer 1991). Since the existing seasonal wetlands on Parcel E may be considered waters of the U.S. and discharge from a constructed wetland at Parcel E could enter San Francisco Bay, the construction of a wetland in Parcel E could fall under the

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jurisdiction of the Clean Water Act (CWA), and the project will require fulfillment of CWA Sections 401, 402, and 404:

- **Section 401.** This section addresses water quality certification. It requires compliance with state or tribal water quality standards. Section 401 verification is necessary when projects result in discharges to waters of the United States and require Section 402 or 404 permits (Interagency Workgroup 2000). The San Francisco Bay Regional Water Quality Control Board implements Section 401 certification permitting in the Bay Area.
- **Section 402.** Section 402, which includes the NPDES stormwater program, is designed to regulate the discharge of a pollutant from a point source into waters of the United States. The state of California is authorized by the U.S. EPA to issue Section 402 NPDES permits. The construction of a treatment wetland at Parcel E would require a Section 402 NPDES permit if stormwater captured by the proposed wetland is released to the San Francisco Bay (Interagency Workgroup 2000; Hammer 1991).
- **Section 404.** This section regulates discharge of dredged or fill materials into waters of the United States. A Section 404 permit would be required if the constructed wetland at Parcel E was built in the vicinity of a pre-existing wetland or riparian corridor. As stated above, the U.S. Army Corps of Engineers and the U.S. EPA decide on a case-by-case basis whether or not particular bodies of water are considered waters of the United States. The U.S. Army Corps of Engineers administers Section 404 permits, with advisement from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (Interagency Workgroup 2000).
- **Other Permits.** In San Francisco Bay, an additional permit is required from the San Francisco Bay Conservation and Development Commission (BCDC), which has jurisdiction over the 100-foot shoreline band around the bay as well as the bay itself.

Typically, government approval and/or construction of a wetland requires preparation of a California Environmental Quality Act (CEQA) Initial Study followed by a period of public review (Silverman 1984). Additional studies or permits that could possibly be required to construct engineered wetlands include sediment and erosion control plans, dam safety permits, a Department of Fish and Game Streambed Alteration permit, local grading permits, and land use approvals or encroachment permits (U.S. EPA 1999). Given the environmental considerations associated with the landfill cleanup, it is likely that California Department of Toxic Substances Control will be involved in ongoing monitoring of pollution at the site.

4.7 OPERATION, MAINTENANCE, AND MONITORING

This section describes the operation and maintenance requirements for the system. Although this type of wetlands system may require less operation and maintenance than some other types of systems, some maintenance will be required. Monitoring will also be essential to maintain treatment effectiveness, as well as to determine the degree to which the facility is achieving other objectives such as provision of wildlife habitat and educational and interpretive opportunities. Adaptive

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management can be defined as management that is informed by monitoring and research, facilitating the modification of management actions based on objective feedback. The creation of ecological systems requires adaptive management because the complexity of biological systems rarely allows for detailed predictions of all possible variables.

4.7.1 General Maintenance and Monitoring

A long-term management plan for the wetlands should be developed that addresses each of the three primary objectives — stormwater quality improvement, provision of wildlife habitat, and provision of educational and interpretive opportunities. A regular schedule for maintenance activities should be established and the parties responsible for maintenance and monitoring activities should be identified.

In general, the wetland system will need to be maintained for the following parameters:

- Regular trash removal
- Inspection for clogging of outlet structures and cleaning and maintenance as necessary of water control structures
- Inspection and repair of eroded levee areas or burrowing by small mammals
- Regular observation of how users are interacting with the site and a general safety inspection of the site. Are design features functioning as intended? Are repairs or additional actions required?
- Observation of level of sediment accumulation

Other monitoring activities should include:

- Regular sampling and analysis of water quality parameters
- Qualitative and quantitative monitoring of vegetation health and identification of potential problems including areas needing replanting or invasive species removal
- Regular wildlife surveys to record use
- Monitoring of mosquitoes at the site and the health and effectiveness of control activities including fish and predatory invertebrate populations

4.7.2 Mosquito Control

By their nature as permanently wet places, constructed ponds and wetlands have the potential to provide habitat for mosquitoes. The shallow water and emergent vegetation of treatment wetlands are essential for optimizing water quality polishing, yet these characteristics also promote mosquito breeding unless the wetland is properly maintained. Proper design and management of stormwater treatment ponds and wetland cells can minimize and control mosquito production but cannot completely eliminate it. Areas of both fresh water and tidal wetlands currently exist in the project vicinity (Brown and Caldwell 2004). These wetlands undoubtedly already provide suitable habitat for mosquitoes. In general, well-

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designed and well-managed treatment wetlands do not pose a greater mosquito threat than existing natural wetlands (Knight et al. 2003). It is necessary to balance water quality improvement, increase in wildlife habitat, and educational objectives for the project against the controllable risk of mosquito production.

Mosquitoes lay their eggs on or near the water and the mosquito larvae live on the water surface, breathing air and feeding primarily on algae and organic debris (Borror 1976; Metcalf and Luckman 1975). Common mosquito control strategies include minimizing stagnant ponded areas, disturbing or adjusting water levels to drown larvae, minimizing anaerobic zones, and creating access for natural mosquito predators. The project design includes the following mosquito control features:

1. Prevent establishment of stagnant water areas
2. Raise and lower the pond water levels
3. Reduce areas of emergent vegetation, where feasible
4. Create ecologically diverse conditions that support mosquito predators (fish and invertebrates including dragonflies)
5. Provide ready access to ponds and wetlands for any necessary monitoring and treatment

In addition, long-term management of the wetland should include the following:

6. Monitor mosquito levels and treat as required

Two groups of mosquito species are of interest given their breeding habits: (1) pool-breeding and (2) floodwater species. Maintaining a permanent pool in the ponds and wetland cells provides potentially suitable habitat for pool breeding species but limited habitat for floodwater species. On the other hand, temporary detention of stormwater runoff above the permanent pool provides potentially suitable habitat for floodwater species, but is disruptive to pool-breeding species.

The proposed design calls for regular input of water from a supplemental water source during the warm season to maintain the permanent pool level. Regular input of water will maintain water circulation into and out of the pond and this circulation will prevent water stagnation and help to reduce the potential for the pond to support mosquitoes. The depths of the forebay and ponds have been specifically designed to sustain primarily open water at the permanent pool elevation and preclude the establishment of emergent vegetation. Within the ponds, only limited shallow areas (approximately 5 feet wide) around the perimeter will support emergent vegetation. These shallow perimeter benches are necessary for human safety and secondarily they provide wildlife habitat benefits. Access roads surround each pond and provide ready drivable access to all areas of fringing wetland vegetation to allow for mosquito control. In addition, boat access to the ponds is provided.

The temporary detention volume in the proposed design is designed to drain within two days following a storm. This design will disrupt the ability of floodwater species to complete their reproductive cycle.



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While the growth of emergent vegetation in the ponds can be minimized, it is essential to the function of wetland cells for both water quality and wildlife habitat. However, other design features such as water circulation and diverse habitat structure will help minimize potential mosquito production.

As in the ponds, opportunities for water to stagnate in the wetland cells have been minimized. The wetland cells have been constructed to allow for complete drawdown if necessary, with the exception of two deeper pools. Two deep-water zones in each cell will provide habitat and refuge for fish and other aquatic mosquito predators. The design of the wetland cells includes a slight slope and a central swale to facilitate flow-through and drainage. As with the ponds, the wetland cells will benefit from supplemental flow during the dry season. This supplemental flow will provide continuous circulation and reduce stagnant water. Precise grading techniques such as laser leveling during construction can also be used to provide consistent elevations and minimize the production of isolated non-draining areas.

Fish are commonly introduced to ponds and wetlands as a natural method of controlling mosquito populations. The mosquito fish (*Gambusia affinis*) is the most widely used biological control agent and is harvested for mass inoculation into wetland systems. Sunfish (*Lepomis* spp.) and stickleback (*Gasterosteus* spp.) are two other fish species that can enhance mosquito control efforts. Recycled water from domestic wastewater treatment plants is generally of adequate quality to support fish in a wetland. Moyle (2002) recommends more attention be given to the potential for native fish species in mosquito control. Several species of fish can be stocked at the proposed wetland and their relative success monitored.

As with the ponds, access roads surround each wetland cell and provide ready drivable access to the entire perimeter. Note that the City and County of San Francisco has no dedicated mosquito abatement district responsible for the control and monitoring of mosquitoes. Therefore, mosquito monitoring and maintenance should be an element of the long-term operation and maintenance plan for the wetlands.

4.7.3 Sediment Removal

The forebay has been designed to allow for accumulation of 2 feet of sediment at the bottom. The degree to which sediment accumulates in the forebay is a function of the sediment runoff from the proposed site development. Urban developments like those proposed for Hunters Point, largely covered by concrete and asphalt, typically do not have a high sediment load. We anticipate that this sediment will be periodically dredged and disposed of or reused at the site.

Given the site's environmental history, the sediment would require characterization before disposal.

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4.8 DESIGN CONTINGENCIES

This section describes and addresses some of the major contingencies of the project and identifies alternatives for dealing with each contingency.

4.8.1 No On-Site Recycled Water Available

Like the feasibility study, the proposed design is based on the assumption that a source of fresh water will be available to provide a perennial wetland system. The required volumes of water are described in the feasibility study report (Brown and Caldwell 2004). To illustrate the types of freshwater sources needed for a perennial wetland system, we are assuming recycled wastewater from a proposed wastewater treatment plant to be constructed at Hunters Point will be used as freshwater input. However, this proposed plant has not yet been designed or approved. In addition, the water from the recycling plant should not be too high in plant nutrients that would affect the growth of vegetation.

To allow for the possibility that the wastewater treatment plant is not built, we have developed two design alternatives. Alternative sources of water for the wetlands system do exist, and an effective treatment system can be designed whether or not the treatment plant is built.

4.8.1.1 Pump Water from San Francisco Bay

It would be possible to design an intake from San Francisco Bay to pump bay water directly into the wetland system. In that event, the wetland would no longer be a freshwater treatment system, but instead a brackish water system. This change will alter the potential vegetation makeup of the wetlands. However, there is great deal of overlap between freshwater and brackish marsh vegetation such that effective stormwater runoff treatment would still be possible.

Some *Scirpus* species as well as *Typha* can tolerate moderate salinity levels. In the San Francisco Bay-Delta salinity levels in brackish marshes fluctuate seasonally, decreasing in the winter as rains increase freshwater input and increasing through the summer and into the fall as freshwater input declines. Salinity levels also follow a gradient from the seaward end of the estuary inland, with saltwater influence toward the east. The geographic extent of seawater influence likewise fluctuates seasonally, extending further east during the dry season. As a consequence, plant species typical of salt water and fresh water intermix continuously along this gradient, with species composition varying depending on the local pattern of fluctuation.

California bulrush is found all along this gradient, though it apparently can tolerate greater submergence with fresher water conditions (Josselyn 1983). Under "middle marsh" conditions, *S. americanus* is common, along with alkali bulrush (*S. robustus*) and *Typha* species.

Some care would be required in monitoring salinity levels, both in the wetlands and in the bay water intended for supplemental input, especially as the dry season progresses, but the creation of a brackish marsh system should be possible.

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Periodic maintenance would also be required to remove debris and trash and occasionally clean out sediments and vegetation.

4.8.1.2 Bring Water from the Southeast Treatment Plant

Another approach would be to bring water in from the southeast treatment plant operated by the City of San Francisco. This approach would require piping water to the site over a distance of just over a mile. We anticipate that a 2-inch pipeline would be sufficient to bring enough makeup water to the site during months where supplemental water is needed. This solution is technically feasible, although it may be costly to bring a pipe through a mile of highly urbanized area, but it also appears likely that the site developer (Lennar) may install a pipe connection to the southeast treatment plant as part of the site development. In that event, it would be easy and a relatively small additional cost to add the supplemental water pipe within the construction trench to bring the recycled water to the project wetlands. These options will be explored during final design activities. The routing and costs for this alternative were beyond the scope of this report.

4.8.2 Seepage of Contaminated Groundwater into Wetlands

The proposed design accounts for the possibility of residual groundwater contamination after the landfill waste and debris are removed by including an impermeable liner to separate groundwater from the wetlands system. We have assumed that the Navy will be required to implement a monitoring system around Parcel E to assess the effectiveness of its remedial activities around the landfill. In the event of measured groundwater seepage into the wetlands, we have assumed that the Navy will implement a groundwater pumping and remediation program separate from the wetlands system to pump the groundwater for treatment.

5.0 Cost Estimates

Tables 7 and 8 each contains a preliminary cost estimate based on professional judgment and experience. The costs are intended to provide an order-of-magnitude estimate of costs for construction of the proposed system. Actual costs may vary owing to inflation, fuel costs, specific San Francisco construction and contracting requirements, and unforeseen field conditions.

The cost estimates reflect the following assumptions:

- No hazardous waste or environmental issues are involved in the wetlands project construction; Two alternatives were developed for cost estimates. Alternative 1 assumes the Navy or others will treat or remove pollutants and debris from the landfill site and leave the site at an elevation of -10 feet NGVD. Again, alternative 2 assumes that the Navy or others will treat or remove pollutants and debris from the landfill site but in this case will leave the site at an elevation of 0 feet NGVD. Earthwork volume calculations have been developed using each of these starting elevations.

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- The Navy will use the existing 5-foot clay cap and native soil backfill (thickness assumed to be 3 feet) as on-site backfill materials.
- Import soils are available on site or near the site. Our estimate includes minimal costs for transport of clean fill soils to the site.

Furthermore, we have included no costs for acquisition of land or preparation of extensive permitting studies such as an environmental assessment, environmental impact report, or environmental impact statement.

The largest single cost in the estimate is earthwork and fine grading of the proposed pond systems. Regardless of which cleanup scenario the Navy selects, that is, complete removal and disposal of contaminated materials or a combination of hot-spot removal and in situ cleanup to below hazardous levels, the proposed design can be implemented as designed and presented in this report.

6.0 Recommended Next Steps

Since this design is preliminary, additional design work will be needed during the final design phase of the project, including the following:

- Development of an accurate and current base map for the project site and adjustment of the proposed layout to meet project limits
- Coordination with the upstream property developer to integrate the proposed wetlands with site development plans and to determine treatment and flood flows more accurately
- Performance of a more detailed hydraulic analysis to determine the input hydrograph and loadings into the system and to design water control structures
- Coordination with the Navy for the cleanup and removal of pollutants from the landfill site to allow for construction of the wetlands
- Finalization of construction and operating cost estimates
- Cooperation with the appropriate regulatory agencies to obtain permits for the project

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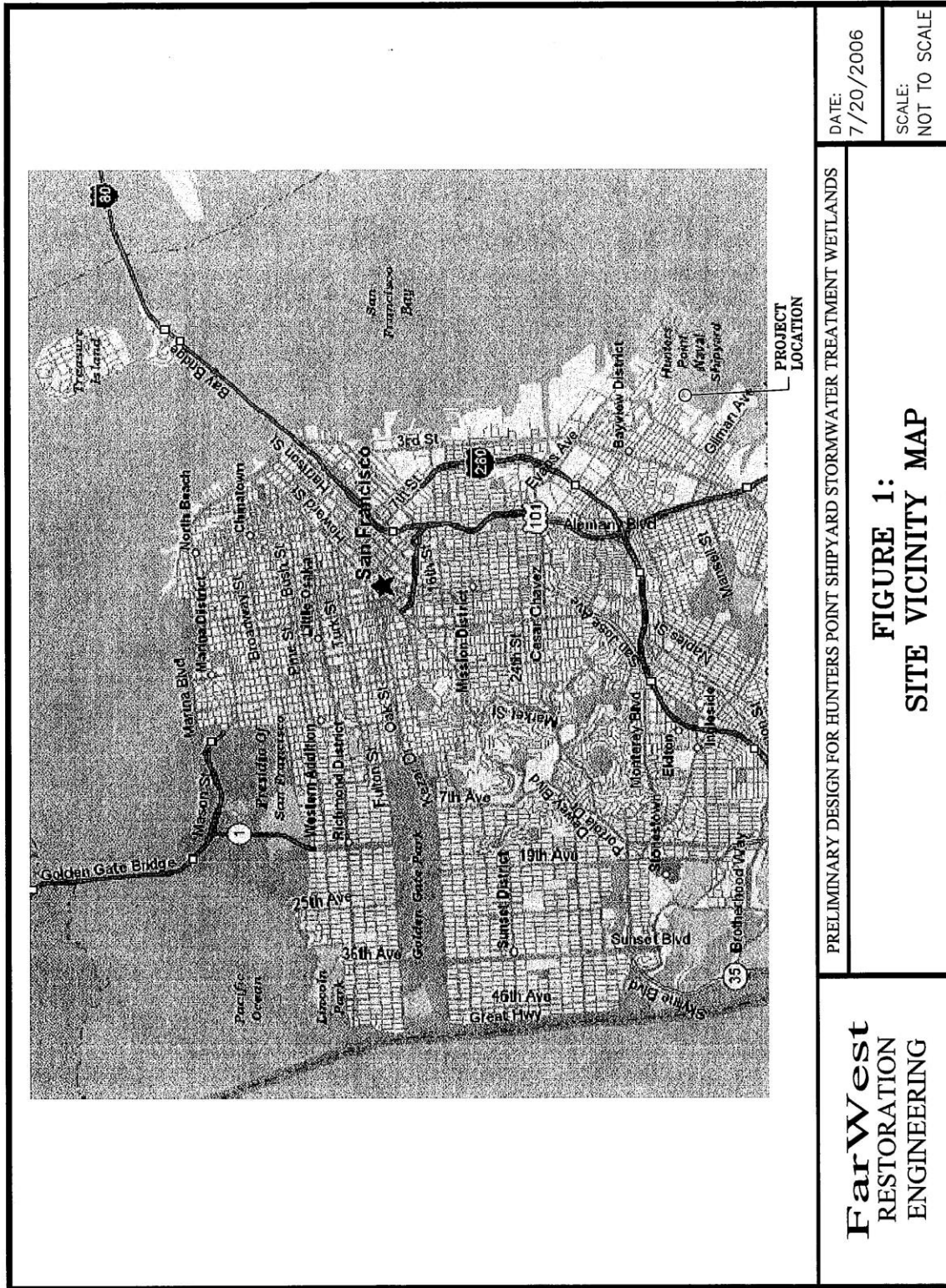
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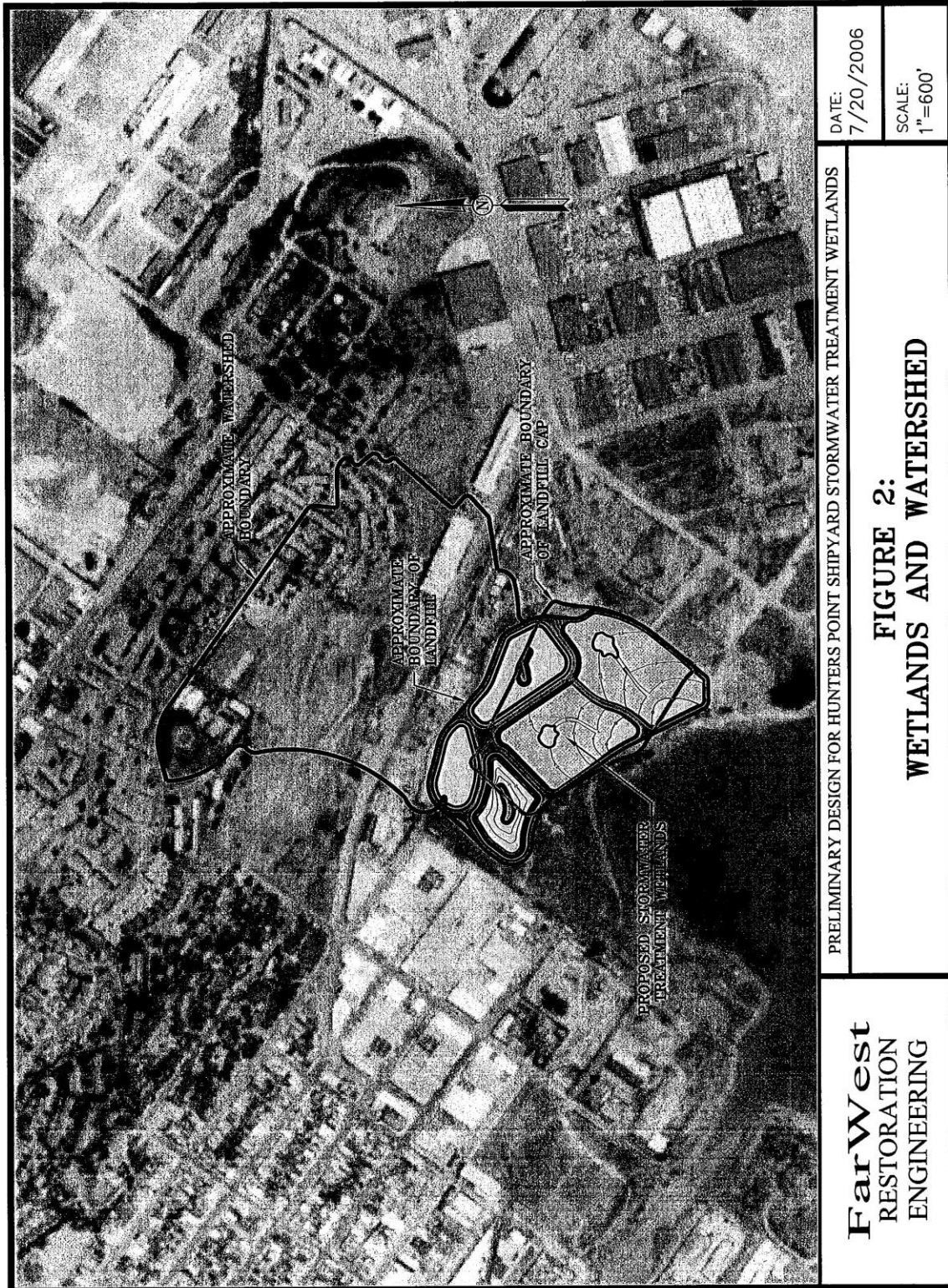
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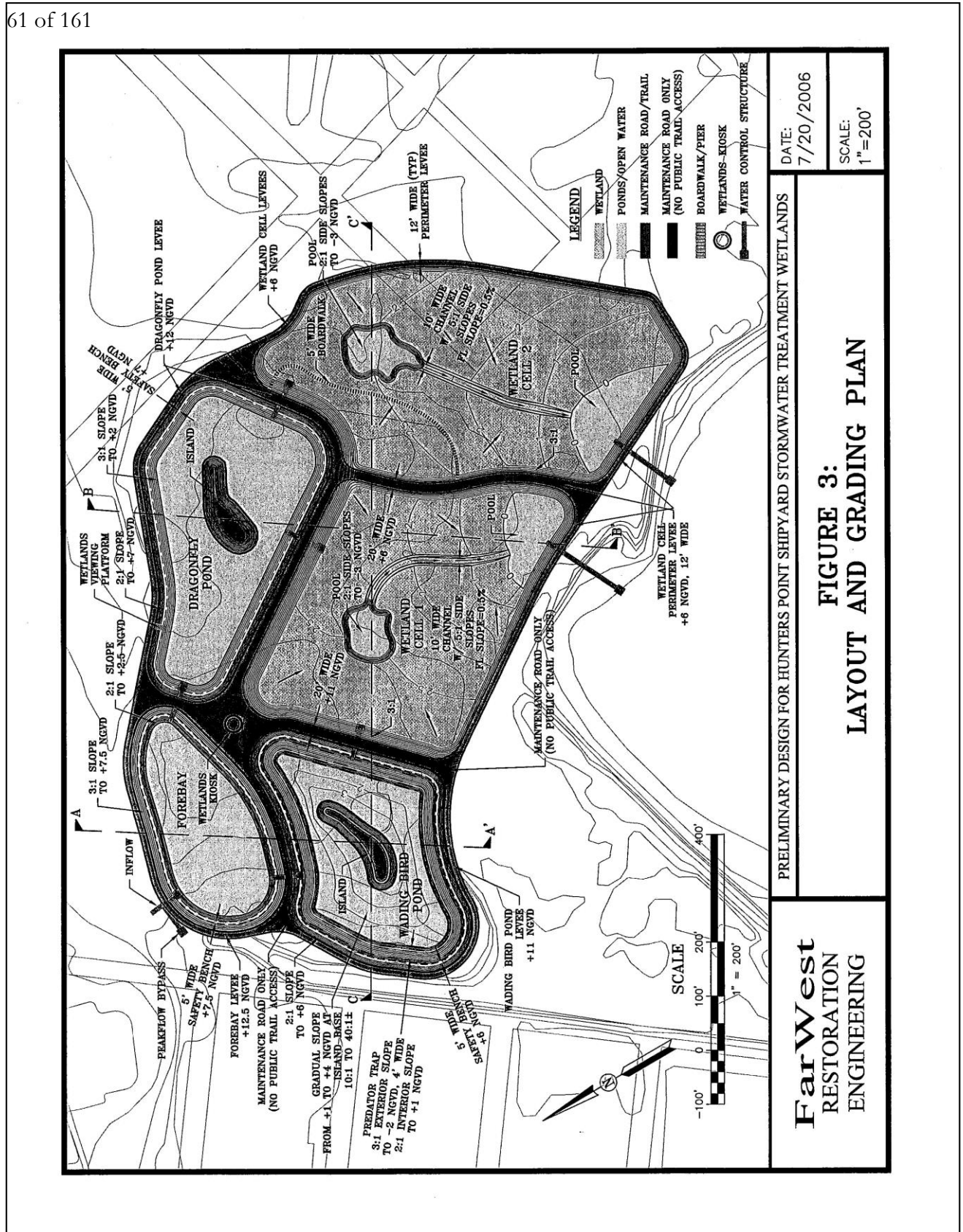


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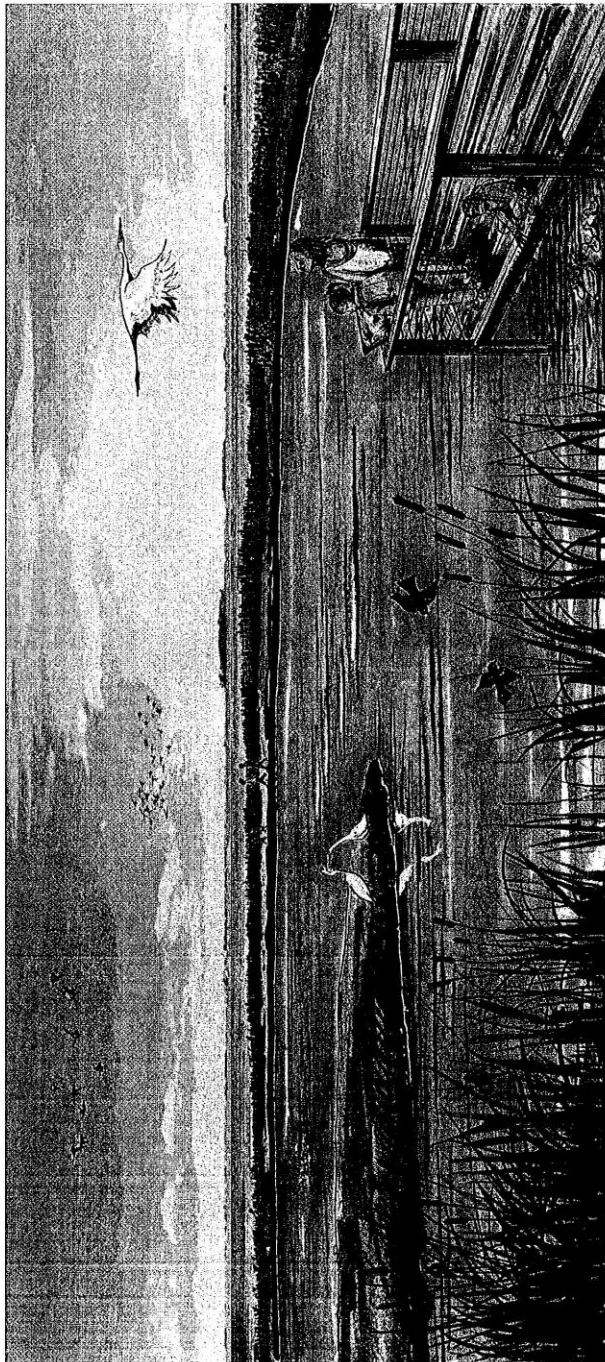
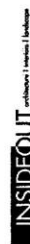


Figure 4: Illustrative Drawing of Dragonfly Pond
Preliminary Design for Hunters Point Shipyard Stormwater Treatment Wetlands



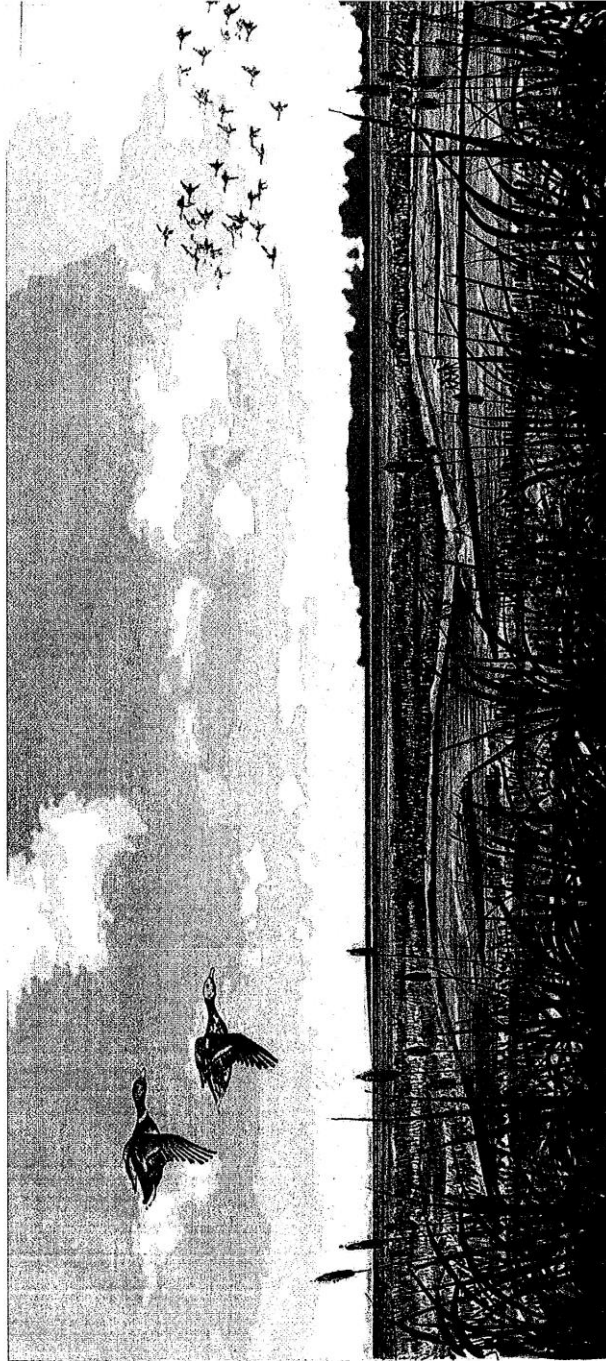
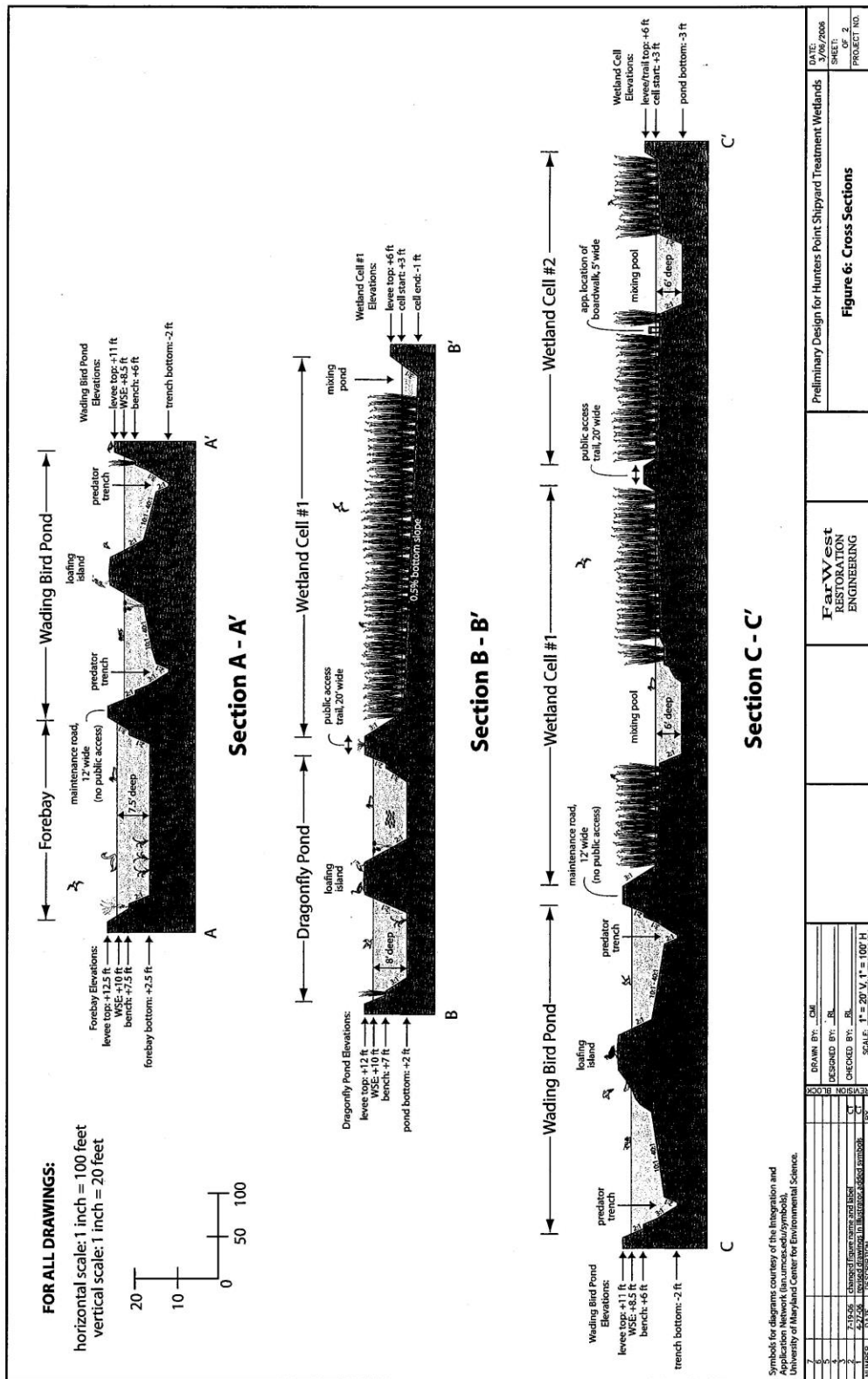


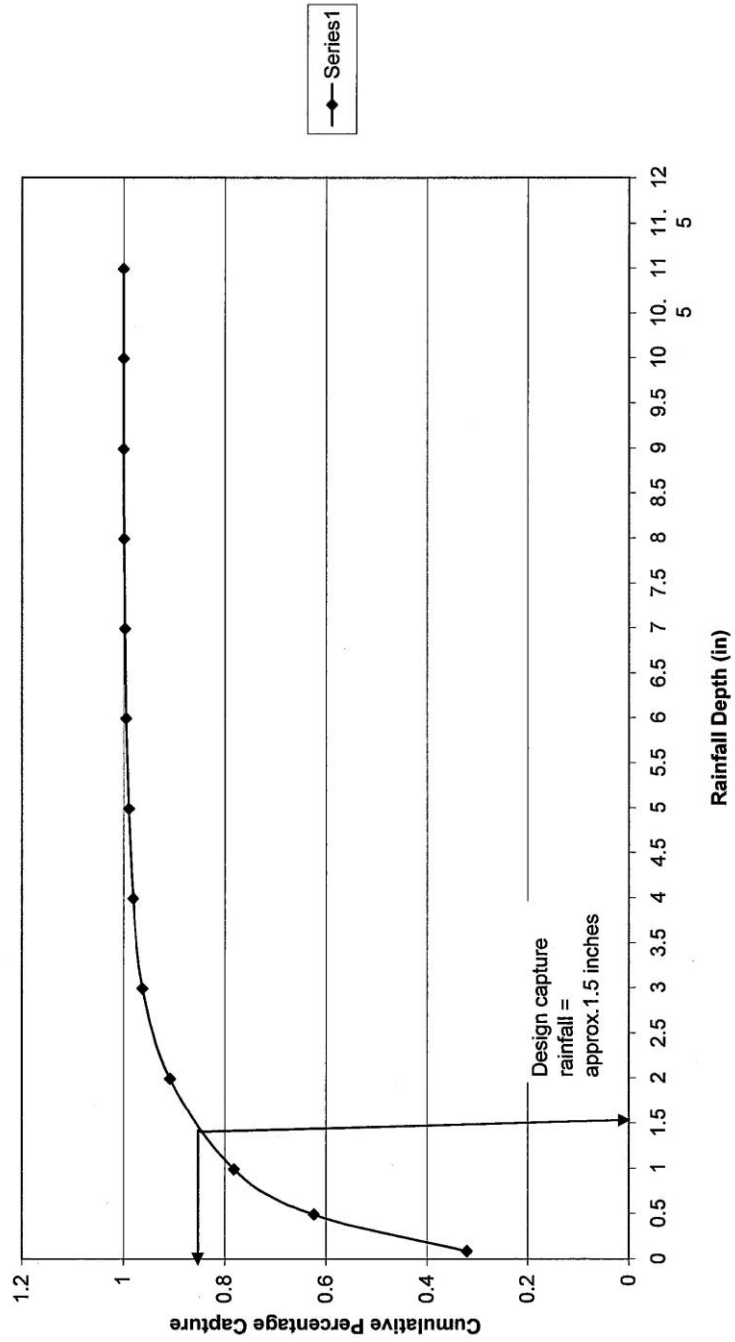
Figure 5: Illustrative Drawing of Wetland Cells
Preliminary Design for Hunters Point Shipyard Stormwater Treatment Wetlands

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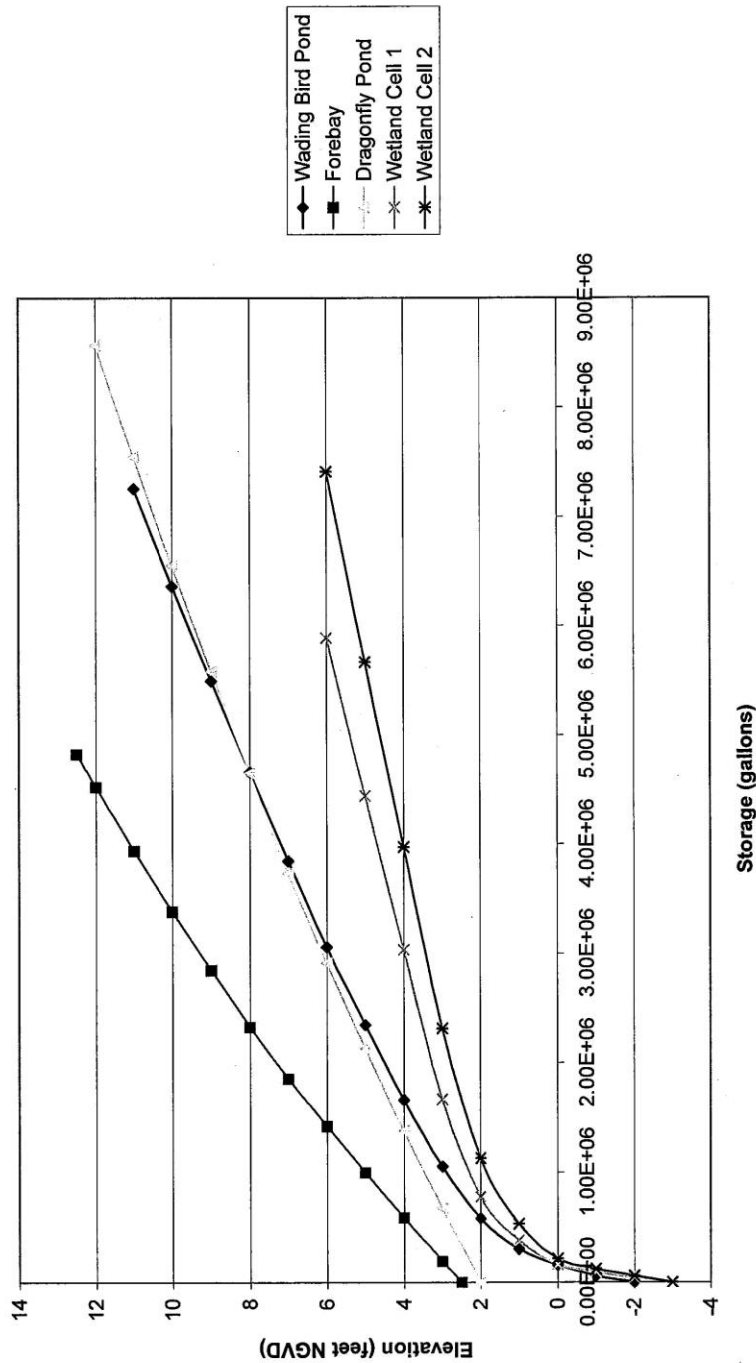
Figure 7
Cumulative Histogram 24-Hour Rainfall
SF Mission Delores Raingauge (1914-2005)



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Figure 8
Hunters Pt Treatment Wetlands
Stage-Storage Curves



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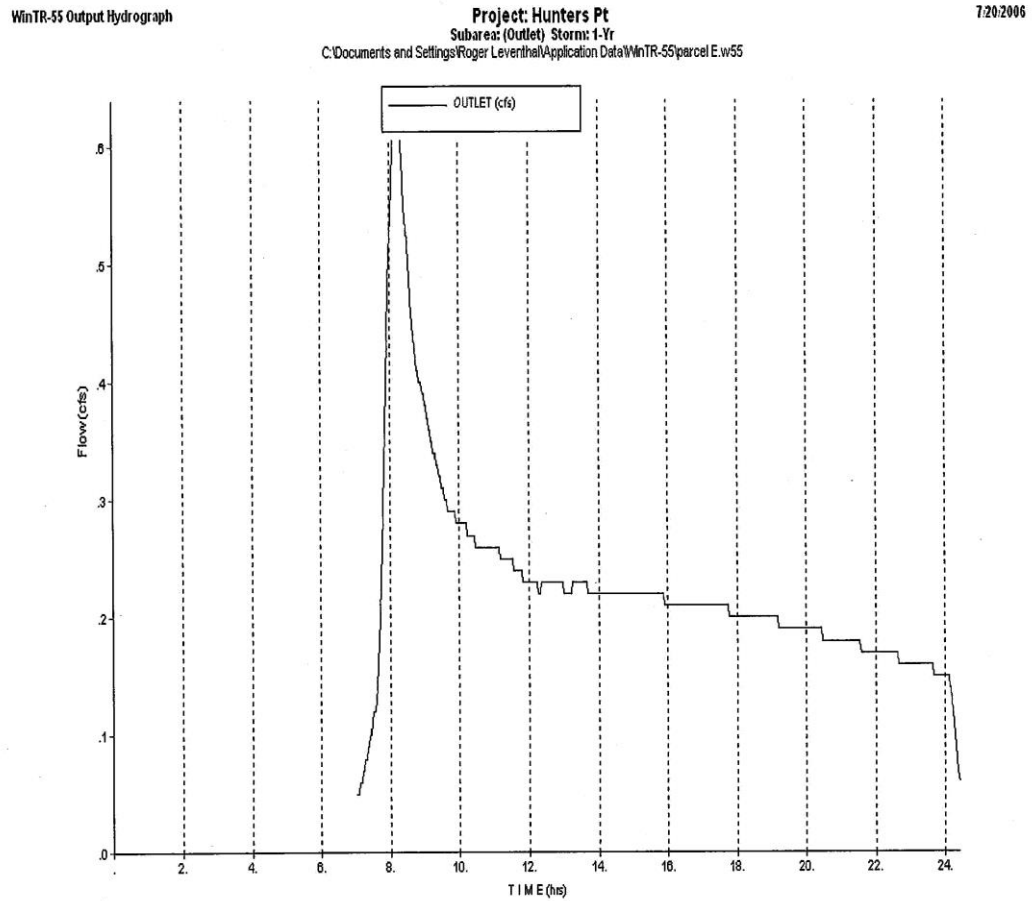


Figure 9: One-Year Storm Hydrograph from TR-55 Model

Preliminary Design for Hunters Point Shipyard Stormwater Treatment Wetlands

Table 1
Hunters Point Shipyard Stormwater Monitoring Data, 2004–2005
Preliminary Design for Hunters Point Shipyard Stormwater Treatment Wetlands

	Outfall 001				DP1				DP2			
	Concentration (mg/l)		Concentration (mg/l)		Concentration (mg/l)		Concentration (mg/l)		Concentration (mg/l)		Concentration (mg/l)	
	2/14/05 Sampling Event	7.7 Sampling Event	ND (<4.72) Sampling Event	ND (<4.72) Sampling Event	ND (<4.72) Sampling Event	ND (<4.72) Sampling Event	ND (<4.72) Sampling Event	ND (<4.72) Sampling Event	ND (<4.72) Sampling Event	ND (<4.72) Sampling Event	ND (<4.72) Sampling Event	ND (<4.72) Sampling Event
Total suspended solids	7	7	7	7	450	450	40	40	460	460	12	12
pH	7.8	7.7	ND (<4.72)	ND (<4.72)	8.2	8.2	7	7	8.1	8.1	6.8	6.8
Oil and grease	ND (<4.72)	ND (<4.72)	ND (<4.72)	ND (<4.72)	ND (<4.72)	ND (<4.72)	ND (<4.72)	ND (<4.72)	ND (<4.72)	ND (<4.72)	ND (<4.72)	ND (<4.72)
Aluminum	1.7	0.12	ND (<0.005)	ND (<0.005)	0.013	0.013	0.005	0.005	0.0098	0.0098	0.005	0.005
Arsenic	0.12	0.084	ND (<0.005)	ND (<0.005)	0.21	0.21	0.032	0.032	0.23	0.23	0.025	0.025
Barium	0.18	0.11	ND (<0.005)	ND (<0.005)	0.51	0.51	0.13	0.13	0.68	0.68	0.14	0.14
Copper	0.011	ND (<0.01)	ND (<0.01)	ND (<0.01)	0.13	0.13	0.01	0.01	0.1	0.1	ND (<0.01)	ND (<0.01)
Chromium	3.4	0.4	ND (<0.01)	ND (<0.01)	32	32	1.3	1.3	23	23	0.37	0.37
Iron	0.012	0.003	ND (<0.01)	ND (<0.01)	0.16	0.16	0.026	0.026	0.19	0.19	0.014	0.014
Lead	95	76	ND (<0.01)	ND (<0.01)	26	26	2.2	2.2	20	20	2	2
Magnesium	0.45	0.28	ND (<0.002)	ND (<0.002)	0.77	0.77	0.07	0.07	0.75	0.75	0.048	0.048
Manganese	ND (<0.002)	ND (<0.002)	ND (<0.002)	ND (<0.002)	0.0023	0.0023	ND (<0.0002)	ND (<0.0002)	0.0033	0.0033	0.0002	0.0002
Mercury	0.023	0.02	ND (<0.002)	ND (<0.002)	0.23	0.23	0.02	0.02	0.19	0.19	0.02	0.02
Nickel	ND (<0.01)	ND (<0.01)	ND (<0.01)	ND (<0.01)	0.055	0.055	0.001	0.001	0.055	0.055	ND (<0.01)	ND (<0.01)
Vanadium	0.064	0.02	ND (<0.01)	ND (<0.01)	0.82	0.82	0.3	0.3	0.99	0.99	0.28	0.28
Zinc												

Outfall 001: Entrance to existing wetlands
 DP1: Pipe inlet to UCSF compound
 DP2: Catch basin leading to base-wide sewer system
 mg/l: milligrams per liter

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Table 2
Potential Types and Concentrations of Chemical Constituents in Site Watershed Runoff
Preliminary Design for Hunters Point Shipyard Stormwater Treatment Wetlands

	Data for mean of		Data Collected by the Navy at Hunters Point Shipyard 2004-2005					
	National ¹ (mg/l)	Bay Area ² (mg/l)	Outfall 001 (mg/l)	DP1 (mg/l)	DP2 (mg/l)	Sampling Event	Sampling Event	
Four Low Rainfall Areas ¹			2/14/05	3/18/05	2/14/05	3/18/05	2/14/05	3/18/05
			Sampling Event	Sampling Event	Sampling Event	Sampling Event	Sampling Event	Sampling Event
Total suspended solids	78.4	228.75	7	7	450	40	460	12
Total nitrogen	2.39	4	NA	NA	NA	NA	NA	NA
Total phosphorus	0.32	0.63	NA	NA	NA	NA	NA	NA
Oil and grease	3		ND (<4.72)	ND (<4.72)	ND (<4.72)	ND (<4.72)	ND (<4.72)	ND (<4.72)
Cadmium	0.0007	0.00221	ND (<0.005)	ND (<0.005)	20	8.1	ND (<0.005)	ND (<0.005)
Copper	0.0134	0.0466	0.18	0.011	0.51	0.13	0.68	0.14
Chromium	0.004	0.02345	0.011	ND (<0.01)	0.13	0.01	0.1	ND
Lead	0.0675	0.1146	0.012	ND (<0.003)	0.16	0.026	0.19	0.014
Mercury			ND (<0.002)	ND (<0.002)	0.0023	ND (<0.002)	0.0033	0.0002
Nickel		0.0469	0.023	0.02	0.23	0.02	0.19	0.02
Zinc	0.162	0.269	0.064	0.02	0.82	0.3	0.99	0.28

Outfall 001: Entrance to existing wetlands
 DP1: Pipe inlet to UCSF compound
 DP2: Catch basin leading to base-wide sewer system
 ND: Not detected
 NA: Not analyzed
 mg/l: milligrams per liter

- Center for Watershed Protection 2003.
- Bay Area Stormwater Management Agencies Association 1996

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TABLE 3
Typical Settling Velocities and Times for Mineral Particles in Still Water
Preliminary Design for
Hunters Point Shipyard Stormwater Treatment Wetlands

Particle Size	Settling Velocity (feet/day)	Time to Settle 1 Foot
Gravel	283,000	0.3 second
Coarse sand	28,300	3.0 seconds
Fine sand	2,260	38.0 seconds
Silt	43.6	33.0 minutes
Clay	0.00436	230 days
Colloids	0.0000436	63 years

Source: Ferguson 1998

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TABLE 4
Characteristics of Proposed Treatment Wetlands
Preliminary Design for
Hunters Point Shipyard Stormwater Treatment Wetlands

	Forebay	Dragonfly Pond	Wading Bird Pond	Wetland Cell #1	Wetland Cell #2
Area at Normal Pool Level (acres)	1.5	2.7	2.6	5	5
Bottom Elevation (feet NGVD)	+2.5	+2	+2 ¹	0 to 2.5 ²	0 to 2.5 ²
Normal Water Level (feet NGVD)	+8.5	+8	+7	+3	+3
Volume of Permanent Pool at Normal Water Level (gallons)	2,590,000	4,650,000	3,850,000	1,670,000	2,320,000
Elevation of Extended Detention Storage (feet NGVD)	+10.5	+10	+9	+4	+4
Volume of Extended Detention Storage (gallons)	1,075,000	1,905,000	1,655,000	1,370,000	1,655,000
Elevation of Top of Levee (feet NGVD)	+12.5	+12	+11	+6	+6

1. Excludes predator trench.
2. Excludes nondraining pool area.

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TABLE 5
Expected Treatment Effectiveness for Wet Ponds
Preliminary Design for
Hunters Point Shipyard Stormwater Treatment Wetlands

Parameter	Percentage Removal Schueler 1992	Percentage Removal Hatigan 1998
TSS	50-90	80-90
Total Phosphorus	30-90	
Soluble Nutrients	40-80	50-70
Lead	70-80	
Zinc	40-50	
BOD/COD	20-40	

Source: U.S. Environmental Protection Agency (EPA) 1999

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TABLE 6
Required Supplemental Water Volumes
Preliminary Design for
Hunters Point Shipyard Stormwater Treatment Wetlands

Month	Supplemental Water Required (acre-feet)
January	0
February	0
March	0
April	2.1
May	7.1
June	9
July	8.9
August	8.6
September	7.2
October	2.5
November	0
December	0

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Table 7
Preliminary Cost Estimate, Alternative 1
Preliminary Design for Hunters Point Shipyard Stormwater Treatment Wetlands

CONSTRUCTION COSTS					
Description of Item	Quantity	Units	Unit Cost (\$)	Total Cost (\$)	Comments
Site survey	1	ls	\$10,000	\$10,000	
Equipment mobilization/demobilization	1	ls	\$20,000	\$20,000	
Clearing and grubbing	20	acres	\$2,000	\$40,000	
Earthwork ¹					
Total fill landfill cap reuse	113000	cy	\$3	\$339,000	Assumes Navy has stockpiled existing cap materials; assumes existing cap consists of 2-foot clay layer with 1.5-foot soil layer
Total clean import fill	295000	cy	\$10	\$2,950,000	Assumes Navy has removed all landfill materials; assumes site elevation at start of construction is at elevation -10 feet NGVD; assumes nearby source of clean fill
Pond and cell fine grading	20	acres	\$7,000	\$140,000	Fine grading and contouring of ponds
Levee road	21780	sf	\$7	\$152,460	Assumes 4 inches aggregate base with 3 inches of asphalt
Decomposed granite trails	91476	sf	\$4	\$365,904	Assumes decomposed granite pathway with aggregate base
Liner placement	69000	sy	\$5	\$310,500	Assumes liner placed to contour elevation +3 feet NGVD in ponds and cells
Water control structures	7	each	\$20,000	\$140,000	
Boardwalk in Dragonfly Pond	500	lf	\$200	\$100,000	
Wildlife viewing platform	1	ls	\$20,000	\$20,000	
Signs					
Educational signs	3	each	\$250	\$750	
Warning signs	8	each	\$100	\$800	
Wetland planting	270,000	plugs	\$0.85	\$229,500	
Landscaping					
Topsoil for plantings	500	cy	\$12	\$6,000	Soil for upland planting
Soil amendments, mulch					
Native grass hydroseeding	9	acre	\$3,000	\$27,000	
Native shrubs	500	each	\$15	\$7,500	Assumes 1-gallon shrubs
Subtotal:				\$4,849,414	
10% contingency:		10%		\$484,941	
Total construction:				\$5,334,355	
MAINTENANCE AND MONITORING COSTS					
Description of Item	Quantity	Units	Unit Cost (\$)	Total Cost (\$)	Comments
Landscape maintenance	1	ls	\$3,000	\$3,000	Assumes limited plant replacement and repair of irrigation system
Biological monitoring					
Bird surveys	1	ls	\$2,400	\$2,400	
Quantitative vegetation transects	1	ls	\$2,500	\$1,500	
Qualitative monitoring	1		\$2,000		Observations, recommendations for remedial action; photo monitoring
Cleaning of pipes	1	ls	\$2,000	\$2,000	
Mosquito control	1	ls	\$2,500	\$2,500	
Weed control (hand weeding)	1	ls	\$2,000	\$2,000	
Litter control	1	ls	\$2,000	\$2,000	
Annual monitoring report	1	ls	\$6,000	\$6,000	
Annual subtotal:				\$18,400	
Total 5-year maintenance and monitoring:				\$92,000	No inflation adjustment
TOTAL COST:				\$5,426,355	

cy: cubic yards
ls: lump sum
sf: square feet
sy: square yards
NGVD: National Geodetic Vertical Datum, mean sea level 1929

1. Total cut quantity calculated using Land Desktop Version 3

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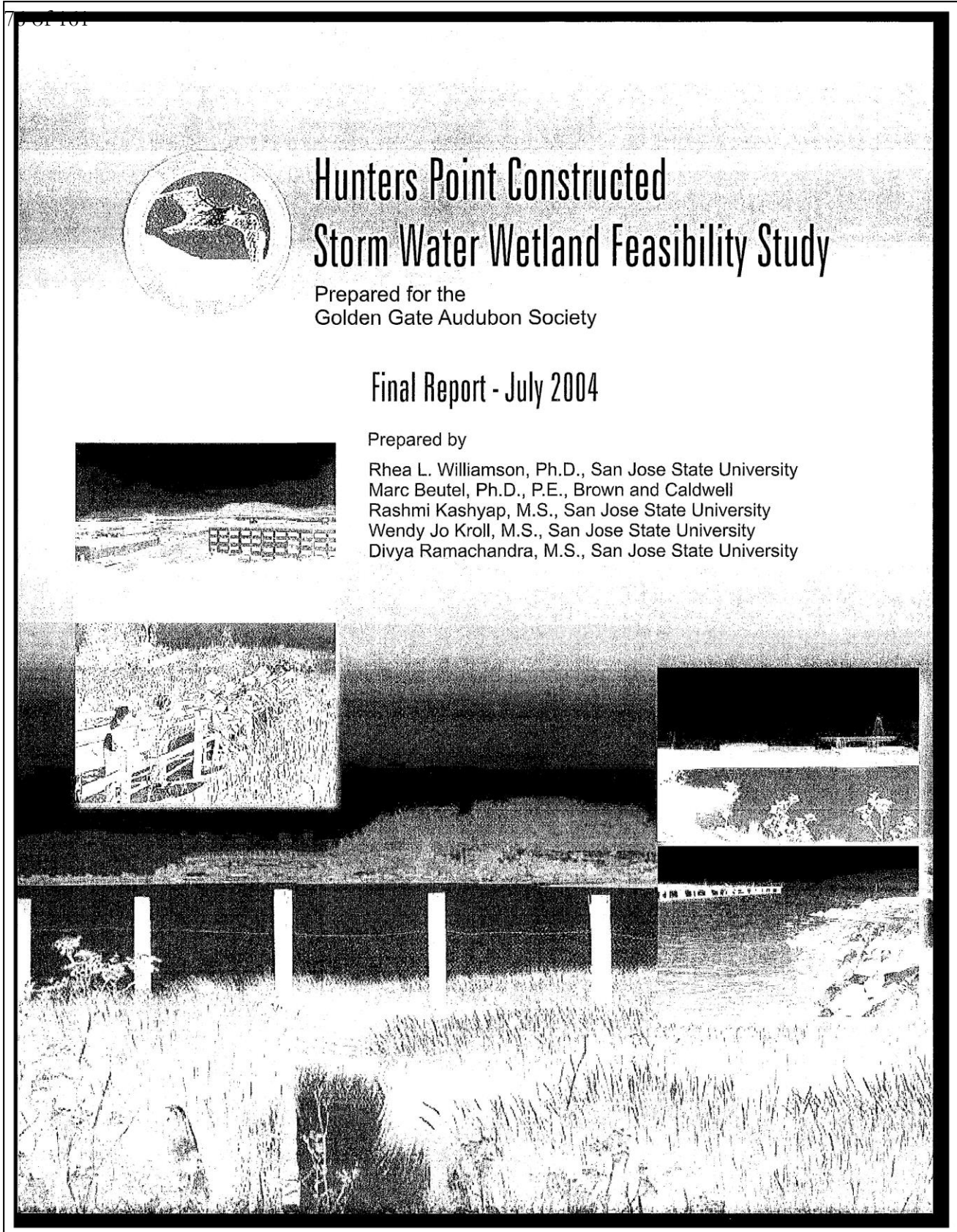
Table 8
Preliminary Cost Estimate, Alternative 2
Preliminary Design for Hunters Point Shipyard Stormwater Treatment Wetlands

CONSTRUCTION COSTS					
Description of Item	Quantity	Units	Unit Cost (\$)	Total Cost (\$)	Comments
Site survey	1	ls	\$10,000	\$10,000	
Equipment mobilization/demobilization	1	ls	\$20,000	\$20,000	
Clearing and grubbing	20	acres	\$2,000	\$40,000	
Earthwork ¹					
Total fill landfill cap reuse	113000	cy	\$3	\$339,000	Assumes Navy has stockpiled existing cap materials; assumes existing cap consists of 2-foot clay layer with 1.5-foot soil layer
Total clean import fill	2000	cy	\$10	\$20,000	Assumes Navy has removed and/or treated all hazardous landfill materials; assumes site elevation at start of construction is at elevation 0 feet NGVD; assumes existing landfill cap materials are reused; assumes nearby source of clean fill
Pond and cell fine grading	20	acres	\$7,000	\$140,000	Fine grading and contouring of ponds
Levee road	21780	sf	\$7	\$152,460	Assumes 6 inches aggregate base with 3 inches of asphalt
Decomposed granite trails	91476	sf	\$4	\$365,904	Assumes decomposed granite pathway
Liner placement	69000	sy	\$5	\$310,500	Assumes liner placed to contour elevation +3 feet NGVD in ponds and cells
Water control structures	7	each	\$20,000	\$140,000	
Boardwalk in Dragonfly Pond	500	lf	\$200	\$100,000	
Wildlife viewing platform	1	ls	\$20,000	\$20,000	
Signs					
Educational signs	3	each	\$250	\$750	
Warning signs	8	each	\$100	\$800	
Wetland planting	270,000	plugs	\$0.85	\$229,500	
Landscaping					
Topsoil for plantings	500	cy	\$12	\$6,000	Soil for upland planting
Soil amendments, mulch					
Native grass hydroseeding	9	acre	\$3,000	\$27,000	
Native shrubs	500	each	\$15	\$7,500	Assumes 1-gallon shrubs
Subtotal:				\$1,919,414	
10% contingency:		10%		\$191,941	
Total construction:				\$2,111,355	
MAINTENANCE AND MONITORING COSTS					
Description of Item	Quantity	Units	Unit Cost (\$)	Total Cost (\$)	Comments
Landscape maintenance	1	ls	\$3,000	\$3,000	Assumes limited plant replacement and repair of irrigation system
Biological monitoring					
Bird surveys	1	ls	\$2,400	\$2,400	
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Mosquito control	1	ls	\$2,500	\$2,500	
Weed control (hand weeding)	1	ls	\$2,000	\$2,000	
Litter control	1	ls	\$2,000	\$2,000	
Annual monitoring report	1	ls	\$6,000	\$6,000	
Annual subtotal:				\$18,400	
Total 5-year maintenance and monitoring:				\$92,000	No inflation adjustment
TOTAL COST:				\$2,203,355	

cy: cubic yards
ls: lump sum
sf: square feet
sy: square yards
NGVD: National Geodetic Vertical Datum, mean sea level 1929

1. Total cut quantity calculated using Land Desktop Version 3

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Hunters Point Constructed Storm Water Wetland Feasibility Study

Prepared for the Golden Gate Audubon Society

July 2004

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EXECUTIVE SUMMARY

In 2003, the Golden Gate Audubon Society (GGAS) received funding from CALFED to: 1) determine the feasibility of the construction of a wetland to receive storm water runoff from the Hunters Point Shipyard sub-basin, and 2) provide a conceptual design for the wetland such that subsequent natural treatment of the storm water occurs within the wetland. In addition, as part of this project the GGAS has strived to provide the community with an alternative vision for the use of the area in Parcel E currently occupied by a landfill. The Project Team, including staff and students from San Jose State University, backed by staff from Brown and Caldwell, was hired to develop the conceptual design. The team made two key assumptions concerning the wetland:

- We assumed that the wetland would be located on the site of the current industrial landfill in Parcel E of the shipyard, and that the landfill would be removed.
- We assumed that there would be a water source capable of meeting the needs of the wetland alternative developed in this report.

The project goals outlined above align with those of The Hunters Point Shipyard Citizen's Advisory Committee (CAC), which convened in 1993 and was mandated to provide community oversight of the redevelopment process for the shipyard. The CAC goals include rejuvenation of the project area by returning the southeast waterfront to its natural ecology, and integrating open space with affordable housing, transportation, and industry. They proposed to use the toxic cleanup process to develop training, employment and business opportunities for community members. The CAC developed several guidelines which were integrated into a redevelopment plan (<http://sfwater.org/detail.cfm>):

- Create jobs for economic vitality
- Support existing businesses and an artist's community
- Create an appropriate mix of new businesses
- Balance development and environmental conservation
- Facilitate appropriate immediate access
- Integrate land use
- Acknowledge history

The development of new wetlands in Parcel E will comply with several of the guidelines set forth in the Hunters Point Shipyard CAC redevelopment plan, including provision of a balance in development and environmental conservation (by providing wildlife habitat), integration of land uses (by providing open space), and accessibility (by providing public access). The Executive Summary that follows provides a brief summary of the report.

EXECUTIVE SUMMARY

1. Site Description

Site Location. Hunters Point shipyard is located in the southeastern part of San Francisco, California, between the Financial District of San Francisco and San Francisco International Airport. The shipyard area is approximately 936 acres, of which 493 acres are land and 443 acres are submerged under water in the San Francisco Bay.

Site History. Hunters Point shipyard was operated as a commercial dry dock from 1869 through 1939 (U.S. Navy, 2000; TetraTech, 2003a), and was in operation as a Navy facility from 1941 through 1974. In 1989, the site was placed on the National Priority List following the detection of extensive pollution. The Department of Defense listed the shipyard for closure in 1991 (U.S. Navy, 2000); in 1992, Hunters Point shipyard was divided into six parcels labeled A through F in order to expedite the investigation and cleanup.

Parcel E Characteristics. Parcel E consists of 167 acres located in the southwestern portion of Hunters Point Shipyard. This investigation is primarily concerned with the western portion of Parcel E that contains an industrial landfill. The landfill encompasses an area of approximately 20 acres and ranges in depth from 2 to 32 feet in depth. Approximately 15 acres of the landfill are under a landfill cap. The waste consists of a wide range of materials. The landfill has no bottom liner or leachate capture system, and bottom waste is in direct contact with groundwater.

2. Review of Existing Data

Existing Wetlands. According to the U.S. Navy and its consultants, the existing wetlands at Parcel E do not currently have recreational value since public access to this area is restricted. In addition, the wetlands are not considered to be unique or to have any cultural value since they are manmade and situated on artificial fill known to be contaminated with hazardous waste.

Surface Water Sources. The watershed area of the existing industrial landfill, excluding the landfill, is roughly 38 acres in total area and consists of approximately 24 acres of pervious area and 14 acres of impervious area (buildings and paved areas). In an effort to reduce the amount of volume of runoff available to potentially infiltrate and flow through the waste area of the industrial landfill located on Parcel E, an extensive storm water collection and diversion system has been installed.

Potential Contaminants. Surface water data indicate elevated concentrations of contaminants known to be present in the landfill, including arsenic, cadmium, chromium, cobalt, copper, lead, mercury, nickel, and zinc (Shirley, 2000). Ground water contamination as a result of the landfill has been confirmed based on the presence of various types of metals and chemicals in the ground water. Soil data collected by the U.S. Navy are consistent with the type of contamination known to exist in the landfill area.

3. Wetland Site Conditions and Constraints

Wetland Water Needs. At Hunters Point shipyard, annual precipitation ranges from approximately 10 to 30 inches and averages 20 inches. Annual evaporation is approximately 44 inches. Based on the water balance, storm water and direct precipitation are adequate to keep the wetland full from

ES-2

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November through March. Make-up water is needed from April through October when evaporation is high and inflow is low. Make-up water flow rates are around 2 acre-feet per month or 0.02 million gallons per day (mgd) in April and October, and around 9 acre-feet per month or 0.1 mgd from May through September. The total amount of recycled water required over the year is 46 acre-feet or 15 million gallons (Table ES-1). There is adequate recycled water supply within the shipyard to meet the modest needs of the wetland proposed in this report, presuming that a decentralized wastewater treatment plant is implemented.

Table ES-1. Water Balance for Average Water Year for Hunters Point Wetland

Month	Precipitation (in/mo)	Evaporation (in/mo)	Inflow		Outflow	Net Inflow (acre-feet)	Required Make-up Water (acre-feet)
			Direct Precipitation (acre-feet)	Runoff (acre-feet)	Evaporation (acre-feet)		
January	4.50	1.36	7.5	8.7	-2.3	13.9	0.0
February	3.58	1.92	6.0	6.9	-3.2	9.7	0.0
March	2.85	3.04	4.8	5.5	-5.1	5.2	0.0
April	1.37	4.24	2.3	2.6	-7.1	-2.1	2.1
May	0.39	5.12	0.7	0.8	-8.5	-7.1	7.1
June	0.12	5.68	0.2	0.2	-9.5	-9.0	9.0
July	0.02	5.36	0.0	0.0	-8.9	-8.9	8.9
August	0.05	5.28	0.1	0.1	-8.8	-8.6	8.6
September	0.19	4.72	0.3	0.4	-7.9	-7.2	7.2
October	0.94	3.52	1.6	1.8	-5.9	-2.5	2.5
November	2.42	1.92	4.0	4.7	-3.2	5.5	0.0
December	3.57	1.36	6.0	6.9	-2.3	10.6	0.0
Total	20.00	43.52	33.3	38.6	-72.5	-0.6	45.5

Landfill Issues. Several issues exist related to the ability of the industrial landfill to contain waste and not function as a source of continued contamination to the San Francisco Bay and adjacent parcels at Hunters Point.

- **Contaminant source.** Surface runoff, ground water, and soils in Parcel E contain elevated concentrations of numerous contaminants. Of concern is the potential for infiltration through the landfill cover and ground water flows through the landfill waste to transport contaminants either within Parcel E, to adjacent parcels, or to San Francisco Bay.
- **Extent of landfill.** The location of contaminants deposited in the landfill remains somewhat unclear. It is known that the fill area extends outside of the area currently designated as industrial landfill, and that as a result, efforts to prevent infiltration, percolation, and contaminant transport may not be effective.
- **Liquefaction potential.** The potential for liquefaction in the vicinity of the landfill during earthquake activity is a serious concern. Lateral movement resulting in settlement could exert

EXECUTIVE SUMMARY

pressure on the landfill waste that could transfer contaminants outside existing boundaries, and potentially into areas being developed for public housing and open space.

- Landfill cap. The multilayer landfill cap does not cover the entire landfill area. The landfill cap was designed as an interim measure.

4. Environmental Justice Issues.

Remediation of the site should take into consideration the concerns and needs of the community living in and around the shipyard. Two issues are paramount:

- Residents of the adjacent areas around Hunters Point have expressed considerable concern about the health effects associated with the location of an industrial landfill in their community.
- At numerous former military installations in San Francisco, following base closure, the sites were remediated at great expense and redeveloped to include public access. Given the general lack of parks and recreational outlets in the Hunters Point area, remediation and restoration of the shipyard, and specifically the replacement of the Parcel E industrial landfill with a publicly accessible wetland, provides an exciting opportunity to afford local residence with equivalent access to natural open-space.

5. Wetland Alternative Selection and Conceptual Design

The three main objectives for wetland creation at Hunters Point were

- Provide opportunities for public education, access, and recreation.
- Create marsh habitat for desirable birds and aquatic biota.
- Improve the quality of storm water and wastewater effluent prior to discharge to San Francisco Bay.

Based on a review of project objectives, the permanent freshwater wetland system was determined to be the preferred alternative for Parcel E at Hunters Point because it is the only alternative that meets all the project objectives. Figure ES-1 shows the conceptual design developed by the project team for a permanent freshwater wetland in Parcel E of Hunters Point. The wetland includes a forebay/pond/wetland treatment train which provides a wide range of treatment capabilities and wildlife habitats. Total construction costs are estimated at \$1 million and O&M cost are estimated at \$40,000 per year. Final design/permitting fee should be around \$100,000.

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EXECUTIVE SUMMARY

6. Conclusions and Recommendations

Based on this study we make the following twelve conclusions and recommendations which are discussed in more detail in Section 7:

- The development of new wetlands in Parcel E will comply with several of the guidelines set forth in the Hunters Point shipyard Citizen's Advisory Committee redevelopment plan.
- Remediation of the site should take into consideration the concerns and needs of the community living in and around the shipyard, with a focus on potential health effects.
- A properly constructed and operated wetland could result in an improvement in water quality in the San Francisco Bay by capturing and treating pollutants and sediment in storm water before they reach the Bay.
- Several issues exist related to the ability of the industrial landfill to contain waste and not function as a source of continued contamination to the area. Many of the issues and uncertainties would be ameliorated if the landfill was removed and replaced with a wetland.
- A permanent freshwater wetland system is the preferred alternative for Parcel E at Hunters Point. This alternative meets the multiple objectives of the project including year-round recreational opportunities, year-round habitat for wildlife, and storm water treatment.
- 46 acre-feet of make-up water are needed for the proposed wetland from April through October. The most suitable source of make-up water is recycled water from a satellite wastewater treatment plant proposed for the Hunters Point shipyard.
- A liner system should be installed between the wetland bottom and the existing soils on the site in order to isolate the wetland from contaminated ground water and soils.
- Any wetland design should include a forebay with easy drainage and access capabilities to capture, trap and remove contaminated sediment from storm water and keep it out of the wetland.
- To save money and ease construction, clean soils already on site should be used to fill in the excavated landfill after removal of the waste and to construct a liner to protect the wetland from underlying groundwater and soils.
- Wetlands can be designed and maintained to keep mosquito populations to a minimum by eliminating hydraulically static areas, controlling water level, disturbing water surface, minimizing anaerobic zones, and creating access for natural mosquito predators.
- Total construction costs are estimated at \$1 million and annual O&M cost is estimated at \$40,000. This estimated O&M cost is far below the current costs associated with management of the industrial landfill, which likely exceed \$400,000 per year.

ES-5

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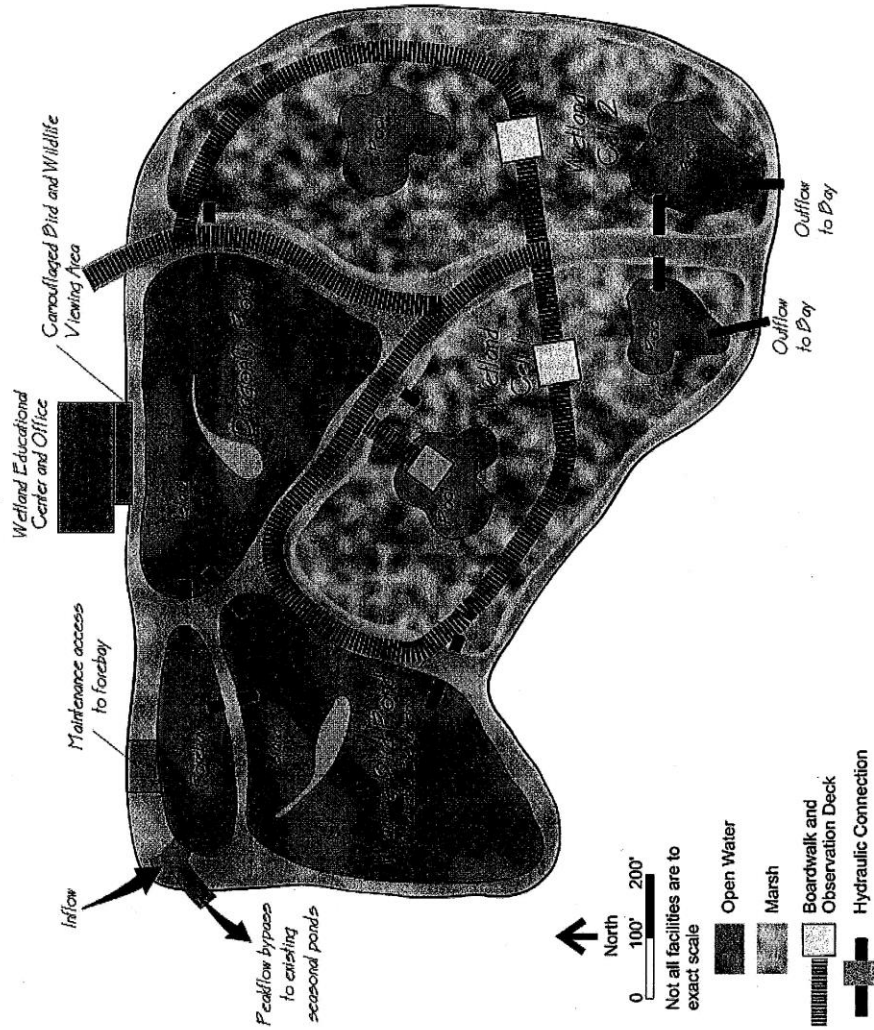


Figure ES-1. Conceptual Design of Permanent Freshwater Wetland at Hunters Point

1.0 INTRODUCTION

This section describes the project and the project goals. It also identifies project team members and their specific project responsibilities, as well as stakeholders to whom the report will be provided for review and comment. An overview of the format of the report is also provided.

1.1 Project Description and Goals

The Golden Gate Audubon Society (GGAS) received funding from CALFED to: 1) determine the feasibility of the construction of a wetland to receive storm water runoff from the Hunters Point shipyard sub-basin, and 2) provide a conceptual design for the wetland such that subsequent natural treatment of the storm water occurs within the wetland. The intent of the project is to provide a mechanism for segregation and treatment of storm water from municipal wastewater. In addition, this project provides the community with an alternative vision for the use of the area in Parcel E currently occupied by a landfill.

The project team was hired to perform a wetland feasibility study. Under the direction of the GGAS, the team made two key assumptions concerning the wetland. First, we assumed that the wetland would be located on the site of the current industrial landfill in Parcel E of the shipyard. We have assumed that the landfill will be removed, and its removal would provide an exciting opportunity to develop a wetland to provide multiple potential benefits including treatment of storm water, polishing of wastewater effluent, creation of wildlife habitat and development of recreational and educational opportunities for the surrounding community. Second, we assumed that there would be a water source capable of meeting the needs of the wetland alternative developed in this report.

The team performed an extensive review of pertinent data available on the Hunters Point shipyard site. Information and data were accessed through the Environmental Protection Agency's (EPA) database, the State of California Storage and Retrieval (STORET) system, and collected from documents on file with the United States Navy, the Department of Health Services (DHS), the United States Geological Survey (USGS), the Regional Water Quality Control Board (RWQCB), available consultants reports, the wastewater treatment plants, and other sources as identified during the review process. The data were evaluated and summarized in this report. Analysis of the data with respect to project feasibility, including watershed area, runoff discharges, water quality, soil quality, and potential for wetland use were included.

Using the collected data and information, the project team identified three conceptual wetland design alternatives which included provision for fresh and salt water wetland cells, and the potential for seasonal and/or permanent wetland cells. These alternatives were evaluated, taking into account the multiple objectives of the project, and a preferred alternative was selected. We then developed a conceptual design for the preferred alternative. The results of this project were presented to the GGAS and stakeholders at a community forum on June 24, 2004. Appendix A contains a summary of community comments and concerns.

1.0 INTRODUCTION

1.2 Project Team and Stakeholders

This report was completed by a team of professionals and students under the supervision of the principal investigator, Dr. Rhea L. Williamson, and the San Jose State University Foundation (SJSUF). Dr. Marc Beutel of Brown and Caldwell was identified as a SJSUF subcontractor. Dr. Williamson was responsible for keeping the GGAS Contract Manager informed about the project status via bi-weekly project status meetings (via email, telephone or in-person) and written monthly progress reports. A listing of key project personnel and responsibilities is provided in Table 1-1. Stakeholders include the GGAS, the Hunters Point Community, the Hunters Point Shipyard Citizen’s Advisory Committee, and others.

Table 1-1. Project Personnel and Associated Responsibilities Specific to the GGAS Hunters Point Project

Duty	Responsible Team Member
Initiate and Administer the Project	Rhea Williamson
Review Existing Data	Rhea Williamson, Rashmi Kashyap, Divya Ramachandra
Identify Water Quality and Potential Contaminants and Sources	Rhea Williamson, Rashmi Kashyap, Wendy Jo Kroll
Develop Conceptual Design Scenarios	Rhea Williamson, Marc Beutel, Wendy Jo Kroll
Present Conceptual Design Scenarios to GGAS and the Community	Rhea Williamson and Marc Beutel, with students
Write and Submit Draft Final Report	Rhea Williamson and Marc Beutel, with students
Write and Submit Final Report	Rhea Williamson and Marc Beutel, with students

1.3 Report Overview

Section 1 provides a brief description of the project, the project goals, and the project team and stakeholders. Section 2 provides a description of the site, including site location, site history, and characteristics of Parcel E. Section 3 presents existing data pertinent to wetland design including watershed characteristics, site hydrology, and water and soil quality. Section 4 reviews site characteristics and constraints relative to wetland implementation, including wetland objectives, alternative wetland types, water sources, groundwater issues, and regulatory constraints. In Section 5, we discuss wetland design features. Finally, in Section 6 we perform a wetland alternatives analysis and select a preferred wetland system. We then present a conceptual design for the preferred alternative. Section 7 presents a brief summary of conclusions and recommendations, and Section 8 includes references. The following Appendix section contains several appendices, including a summary of project meetings (Appendix B), documents reviewed (Appendix C), and persons contacted during the course of this project (Appendix D).

2.0 SITE DESCRIPTION

In this section, we discuss the location and history of the Hunters Point shipyard. The report focuses on Parcel E, the parcel where the proposed wetland would be sited. A description of existing wetland resources in Parcel E is also provided.

2.1 Site Location

Hunters Point shipyard is located in the southeastern part of San Francisco, California, between the Financial District of San Francisco and San Francisco International Airport (Figure 2-1). The shipyard area is approximately 936 acres, of which 493 acres are land and 443 acres are submerged under water in the San Francisco Bay (<http://www.dtsc.ca.gov/database/Calsites/CALP001>). To the southwest of Hunters Point are 3Com Park and Candlestick Point. The port of San Francisco and the Mission Bay Project are to the north of Hunters Point. The site is on a relatively flat peninsula with views of the San Francisco Bay from Hunters Point Hill (Tetra Tech, 2003a). Hunter's Point is adjacent to San Francisco Bay to the south, and is bordered by the University of California, San Francisco compound to the north.

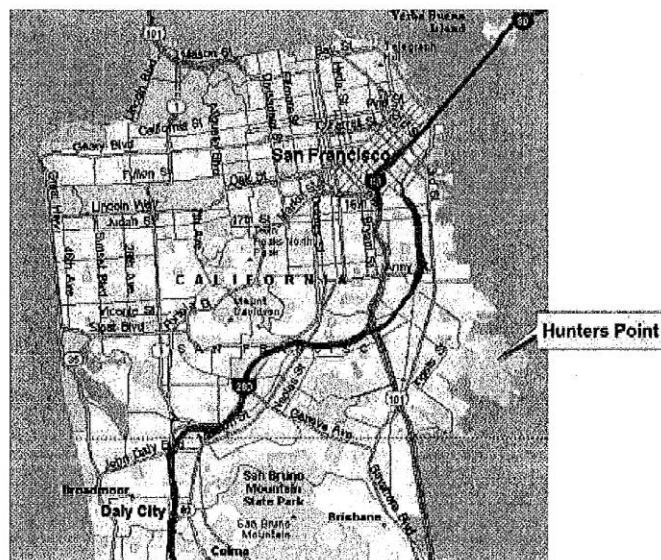


Figure 2-1. Site Location Map

2.0 SITE DESCRIPTION

2.2 Site History

Hunters Point shipyard was operated as a commercial dry dock from 1869 through 1939 (U.S. Navy, 2000; TetraTech, 2003a). The shipyard was in operation as a Navy facility from 1941 through 1974. During this period, the Navy increased its ship building operations. In addition to ship building, the repair and maintenance of ships and submarines were also carried out at the site (Figure 2-2 and 2-3). The Naval Radiological Defense Laboratory (NRDL) was formed in 1946 to decontaminate and dispose of ships that returned from nuclear weapons test activities. The NRDL was active at Hunters Point from 1946 to 1969. During this period, several of the buildings at Hunters Point were used for radioactive laboratory operations, cyclotron operations, animal research studies, material storage, and/or processing (U.S. Navy, 2000)

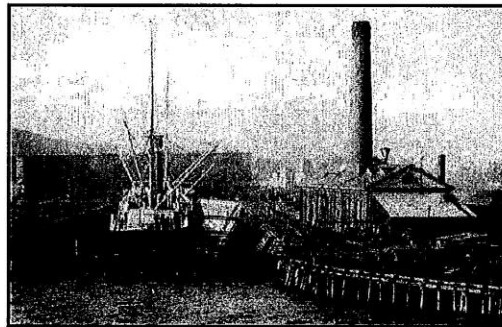


Figure 2-2. Commercial Dry Dock in Use
(<http://www.dtsc.ca.gov/database/Calsites>)

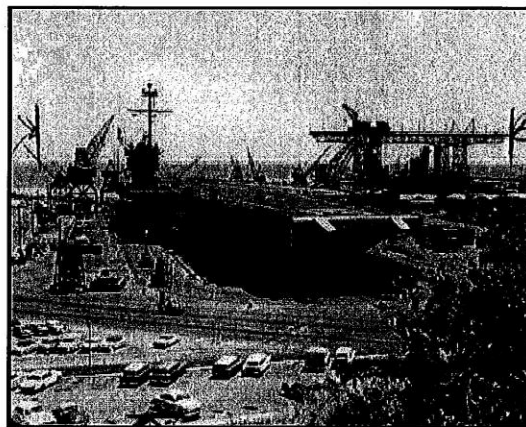


Figure 2-3. Commercial Dry Dock in Use
(<http://www.dtsc.ca.gov/database/Calsites>)

2.0 SITE DESCRIPTION

In 1976, a large section of Hunters Point shipyard was leased to Triple A Machine Shop (Triple A), a ship repair and maintenance facility (TetraTech, 2003a). Triple A continued its operations until 1986, when the company was charged by the District Attorney of San Francisco with improper disposal practices of hazardous wastes at nineteen locations throughout the Hunters Point shipyard, including the landfill in Parcel E (TetraTech, 2003b).

Hunters Point shipyard was placed on the National Priority List in 1989 following the findings of polychlorinated bi-phenyls, trichloroethylene, pesticides, petroleum hydrocarbons, metals and solvents at several site locations. The listing was made in part because of the proximity of the site to a drinking water source (<http://www.dtsc.ca.gov/database/Calsites/CALP001>). The Department of Defense listed the shipyard for closure in 1991 (U.S. Navy, 2000). To better coordinate the environmental investigation and cleanup, the U.S. Environmental Protection Agency signed a Federal Facilities Agreement in January of 1992 with the U.S. Navy and the State of California. As a part of this agreement, Hunters Point shipyard was divided into six parcels labeled A through F, as shown on Figure 2-4, to expedite the investigation and cleanup.

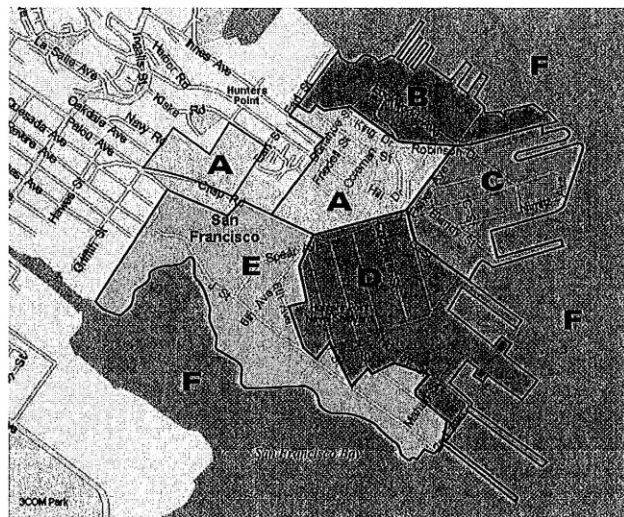


Figure 2-4. Parcels at Hunters Point Shipyard

In 1997, the San Francisco Board of Supervisors adopted the Hunters Point Naval Shipyard Redevelopment Plan after extensive multi-year community planning activities (<http://sfwater.org/detail.cfm>). The City Planning and Redevelopment Agency approved a companion document to the Redevelopment Plan called the Design for Development. These two documents identify the project goals and objectives, land use designations, development standards, community services and benefits, affordable housing and business relocation requirements, development approval process, and redevelopment financing opportunities for the shipyard. The aim was to rejuvenate the project area to return the southeast waterfront to its natural ecology, and to integrate open space with

2.0 SITE DESCRIPTION

affordable housing, transportation, and industry. The plan proposed to use the toxic cleanup process to develop training, employment and business opportunities for community members.

A group of community residents and business owners, selected by the mayor of San Francisco, formed a committee known as The Hunters Point Shipyard Citizen's Advisory Committee (CAC). The CAC, which convened in 1993, was mandated to provide community oversight of the redevelopment process. The CAC developed several guidelines which were integrated into the redevelopment plan (<http://sfwater.org/detail.cfm>):

- Create jobs for economic vitality
- Support existing businesses and an artist's community
- Create an appropriate mix of new businesses
- Balance development and environmental conservation
- Facilitate appropriate immediate access
- Integrate land use
- Acknowledge history

The CAC holds monthly public meetings at the Southeast Community Facility in the Bay View District. In addition, a community-based website has been developed that provides an update of community actions and site information (www.communitywindowontheshipyard.org).

2.3 Parcel E Site Characteristics

Parcel E consists of 167 acres located in the southwestern portion of Hunters Point shipyard. Parcel E is bordered to the south by approximately 8,142 linear feet of baylands, and to the north by the University of California, San Francisco compound (Tetra Tech, 2003a) (Figure 2-5). This investigation is primarily concerned with the portion of Parcel E referred to as Installation Restoration (IR) -01/21, located in the northwest corner of Parcel E. This is the location of the proposed wetlands. IR-01/21 encompasses approximately 35 acres and includes roughly 20 acres of industrial landfill. Approximately 15 acres of the 20 acre industrial landfill are under a landfill cap. IR-01/21 is unpaved, has no buildings and is the home to 1.3 acres of seasonal freshwater wetlands (TetraTech, 2003a). The subsections below discuss the landfill and existing wetland resources in more detail.

2.0 SITE DESCRIPTION

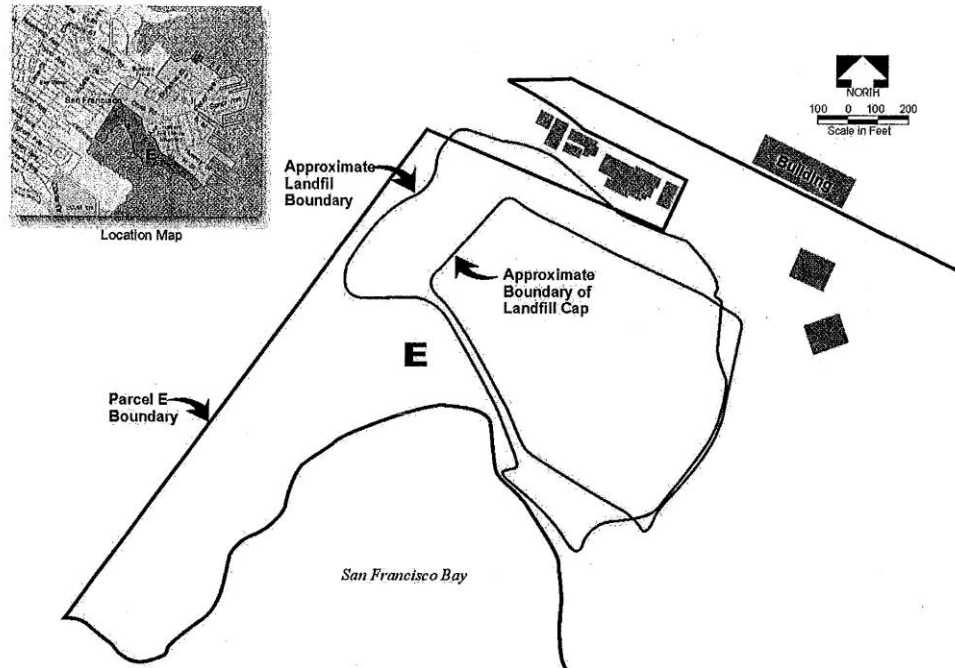


Figure 2-5. Location of Landfill in Parcel E

Landfill Characteristics. The Parcel E Landfill Background Booklet (www.communitywindowontheshipyard.org) provides an excellent overview of the history and current condition of the landfill. Since the late 1950s, the southern corner of Hunters Point shipyard has been used as a waste dump for byproducts of the industrial operations at the shipyard. Today, the landfill encompasses an area of approximately 20 acres and ranges vertically from 2 to 32 feet in depth. The landfill contains an estimated one-million cubic yards of waste. The waste consist of a wide range of materials including domestic refuse, sand-blast waste, construction waste (sawdust, wood, concrete, brick, asphalt), low-level radioactive debris, paint sludges, solvents and waste oils. Since the landfill was started before environmental regulations were developed for landfills, it has no bottom liner or leachate capture system, and bottom waste is in direct contact with groundwater. Soils, groundwater, and gasses within and emanating from the landfill are contaminated with a wide range of pollutants. Four major management activities have been implemented over the past decade at landfill.

- **Sand-Blast Waste Removal.** An estimated 4,000 cubic yards of sand-blast waste which was piled on the top of the landfill and caused a dust nuisance was removed from the site.
- **Sheet Pile Wall.** A 600-foot-long sheet pile wall was installed in the ground between the Bay and the landfill to intercept and pump out PCB contaminated groundwater from the site. The system cost \$1,000,000 to build and \$250,000 each year to operate. However, the

2.0 SITE DESCRIPTION

system is ineffective since the groundwater being removed is not significantly contaminated by PCBs. Regardless, the system must remain in operation for regulatory reasons and to prevent water from building up behind the wall (Brownell, Personal Communications).

- **Landfill Cap.** A soil cap, approximately 15 acres in area, was put on the landfill to smother a fire within the landfill. The cap cost an estimated \$10,000,000 to construct. It consists of a few feet of well-compacted soil covered by a specially designed fabric/clay liner that inhibits the flow of water down into the landfill. The liner is covered with a few feet of clean soil that supports vegetation. On-going maintenance includes watering and mowing of the plant cover.
- **Gas Collection System.** An extensive landfill gas collection system was installed along the northeast boundary of the landfill to collect and treat gasses escaping the landfill. Prior to the landfill cap, the gases seeped upwards and out the top of the landfill, but the cap forced the gas out the sides of the landfill. The system includes a 1,500-foot-long barrier wall in the ground, passive vents that filter then discharge the gas 15 feet above the ground, and extraction wells where gas can be vacuumed out of the landfill at high rates. Construction costs and operating costs of the system are unknown, but they are likely substantial.

Existing Wetland Resources. The majority of Parcel E was developed from extensive cut and fill operations performed by the U.S. Navy from 1940 to 1945 (US Navy, 2000). One result of this practice was the development of a heterogeneous construction-type fill material that has few, if any, inherent soil properties or characteristics. Due to the differential settlement of this heterogeneous fill and the construction of an earthen breakwater levee built along the shoreline with San Francisco Bay, numerous ponds and channels that seasonally retain water and do not readily drain were created. A culvert was constructed through the levee to allow drainage of water that accumulated during storm events in the low areas of IR-01/21. The culvert also functioned to ensure the stability of the levee. The elevation of the culvert controls the level of water accumulated behind the levee. The tide gate was originally meant to prevent salt water input during high tide however the culvert is open to tidal influx as a result of rust damage.

As a result of the low areas and drainage ditches that traverse Installation Restoration (IR) -01/21, approximately one acre of seasonal freshwater wetlands have developed, which are bordered by the Parcel E landfill to the northeast, the Bay view/Hunters Point district of San Francisco to the west and northwest, and a levee to the south (Tetra Tech, 2003c). The main source of water to these seasonal freshwater wetlands is surface water runoff, although tidal influx also occurs through the rust damaged tidal gate installed in the culvert. Due in part to tidal influx, the wetlands are vegetated with both freshwater and salt tolerant plant species (Tetra Tech, 2003c).

In addition to the freshwater wetlands in IR-01/21, the shoreline is punctuated with five discontinuous salt marsh areas totaling three acres. These bayside wetlands are bounded by a discontinuous erosion control riprap wall and the South Basin, which is contiguous with the San Francisco Bay (Tetra Tech, 2003c). In total, Navy consultants identified 22 potential jurisdictional wetland areas: 9 intertidal salt marshes, 8 emergent wetlands, and 5 freshwater wetlands (Tetra Tech, 2003c). The existing wetlands at the Parcel E do not currently have recreational value since public access to this area is restricted. Furthermore, the wetlands are not considered by the U.S. Navy and its consultants to be unique or to

2.0 SITE DESCRIPTION

have any cultural value since they are manmade and situated on artificial fill known to be contaminated with hazardous waste.

The most significant features of Parcel E wetlands are the presence of known contaminants, existing vegetative cover, and its location along the Pacific Flyway. Due to the moderate mudflats adjacent to emergent vegetation, the wetlands support a diverse population of migrating and wintering birds. Few bird species have been identified by Navy consultants that breed in the area, presumably because of the small size and discontinuous nature of the wetlands, and limited vegetation diversity. Only red-winged blackbirds have been identified by Tetra Tech to nest in the freshwater wetland (Tetra Tech, 2003c).

However, a 2003-2004 wildlife survey for Yosemite Slough identified over 160 bird species on land and water in habitat adjacent to Parcel E (Lacy, 2004). In addition, over 3,000 birds were individually counted during a single monitoring event. Table 2-1 lists potential bird species that could benefit from a constructed wetland at Hunters Point.

Table 2-1. Bird Species Potentially Inhabiting Hunters Point Shipyard
(U.S. Navy, 2000)

Common Name	Scientific Name	Federal Status ¹	State Status ²
Western snowy plover	<i>Charadrius alexandrinus nivosus</i>	T	CSC
Peregrine falcon	<i>Falco peregrinus anatum</i>	E	E
California black rail	<i>Laterallus jamaicensis</i>	SC	T
California brown pelican	<i>Pelecanus occidentalis californicus</i>	E	E
California clapper rail	<i>Rallus longirostris obsoletus</i>	E	E
California least tern	<i>Sterna antillarum browni</i>	E	E
Swainson's hawk	<i>Buteo swainsoni</i>	--	T
Clark's grebe	<i>Aechmophorus clarkii</i>	--	CSC
western grebe	<i>Aechmophorus occidentalis</i>	--	CSC
tri-colored blackbird	<i>Agelaius tricolor</i>	SC	CSC
burrowing owls	<i>Athene cunicularia</i>	SC	CSC
Barrow's goldeneye	<i>Bucephala islandica</i>	--	CSC
common loon	<i>Gavia immer</i>	--	CSC
sharp-shinned hawk	<i>Accipiter striatus</i>	--	CSC
loggerhead shrike	<i>Lanius ludovicianus</i>	--	CSC
California gull	<i>Larus californicus</i>	--	CSC
Alameda song sparrow	<i>Melospiza melodia pusillula</i>	SC	CSC
long-billed curlew	<i>Numenius americanus</i>	--	CSC
double-crested cormorant	<i>Phalacrocorax auritus</i>	--	CSC

¹T = Threatened; E = Endangered; SC = Species of Concern.

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2.0 SITE DESCRIPTION

²CSC = California Species of Special Concern; E = Endangered; T = Threatened.

3.0 REVIEW OF EXISTING DATA

Information and data on the Hunters Point shipyard site were collected from documents on file with the United States Navy, DHS, USGS, RWQCB, available consultant reports, the wastewater treatment plants and other sources as identified during the review process. This section presents data pertaining to watershed characteristics, and water and soil quality in Parcel E. Documents collected for review are described in Appendix C. Agencies and individuals contacted for information are listed in Appendix D.

3.1 Watershed Characteristics

Hunters Point Naval Shipyard. The shipyard lies in a lowland area bounded by hills to the northwest. The general topography of the shipyard area is coastal range and lowlands. Figure 3-1 shows a schematic of shipyard topography and surface runoff patterns, as well as the location of the landfill located in the western corner of the shipyard. From a peak elevation of 130 ft, the land slopes toward the San Francisco Bay, with most of the watershed located in coastal lowlands at an average elevation of 25 feet above mean sea level.

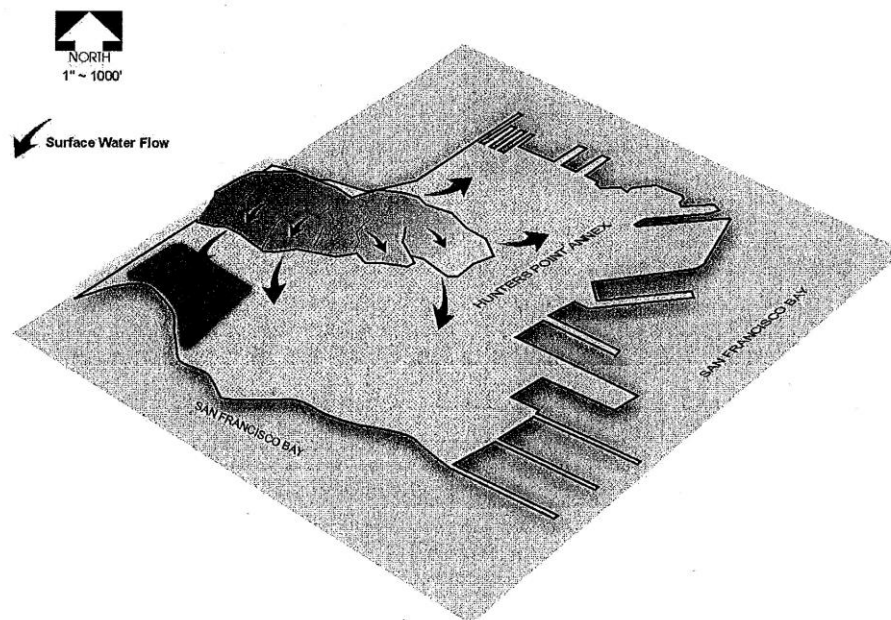


Figure 3-1. Schematic of Surface Water Flow at Hunters Point Shipyard

3.0 REVIEW OF EXISTING DATA

Parcel E. Parcel E is located in the southern section of the shipyard and consists of 167 acres of shoreline and lowland coast (US Navy, 2000). The majority of the land use classifications within Parcel E are industrial, urban, and open space. The developed portion occupies approximately 65 percent of Parcel E and the remaining 35 percent is undeveloped (Tetra Tech, 2003c). The proposed wetland location is entirely within the coastal wetland region, on the southwest bayside boundary of Parcel E in a portion currently designated as industrial landfill. Figure 3-2 is a view to the north from the eastern border of the landfill on Parcel E.

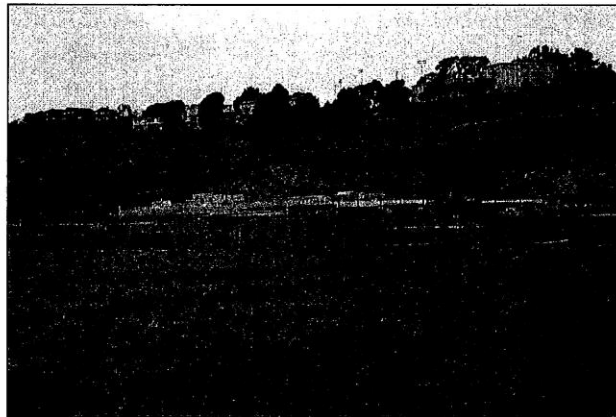


Figure 3-2. View North from Eastern Border of the Landfill

In an effort to reduce the amount of volume of runoff available to potentially infiltrate and flow through the waste area of the industrial landfill located on Parcel E, an extensive storm water collection and diversion system has been installed. Storm water runoff from the surrounding hills located to the northwest of Parcel E is collected in drainage channels on Parcel E and then indirectly discharged into San Francisco Bay through existing fresh water wetlands. Storm water from the southeastern portion of the site flows directly into San Francisco Bay (Tetra Tech, 2003a). In the northeastern portion of the site, storm water runoff drains into an existing storm water sewer system and discharges into San Francisco Bay through Outfall No. 33 (Tetra Tech, 2003a). Outfall No. 33 also receives runoff from the University of California at San Francisco (UCSF) parking lot. The only potential source of non-storm water on Parcel E is the landscape water used to maintain a vegetative cover on the landfill cap (Tetra Tech, 2003a).

Landfill/Wetland. Figure 3-3 shows the approximate boundary of the watershed for the existing landfill in Parcel E which is the location of the proposed wetland. The watershed, excluding the landfill, is roughly 38 acres in total area and consists of approximately 24 acres of pervious area and 14 acres of impervious area (buildings and paved areas). The watershed is bounded on to the northeast by the hill that protrudes into the shipyard and which slopes towards the landfill area, refer to Figure 3-1. Hydrologic calculations that estimate runoff from the watershed area to the proposed wetland are presented below in Section 4.

3.0 REVIEW OF EXISTING DATA

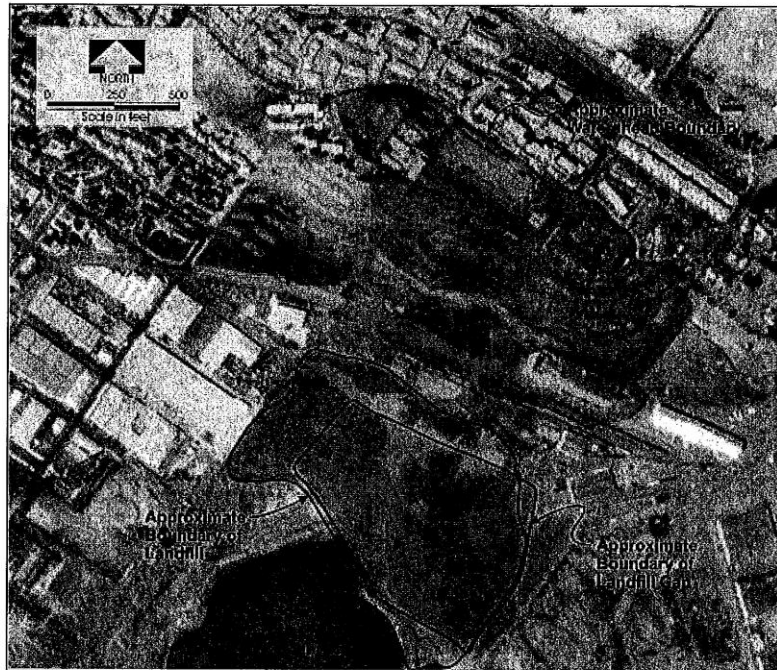


Figure 3-3. Landfill/Wetland Watershed

3.2 Site Hydrology

In this section, hydrological parameters at Hunters Point shipyard are discussed with a focus on the determination of the quantity of storm water runoff that would be available to support a permanent wetland in Parcel E. Parameters summarized include precipitation, wind speed, temperature, evaporation, and others. Weather conditions at San Francisco International Airport, located six miles to the south of Hunters Point, were used to approximate conditions at Hunters Point due to the lack of a local weather station.

Precipitation. Monthly average precipitation at San Francisco International Airport is shown in Figure 3-4. Annual average precipitation at Hunters Point is typically less than 20 inches. Precipitation is minimal during the summer months. Maximum rainfall typically occurs during the winter months of December and January at a rate of 2.5 to 4.5 inches per month respectively. Based on a fifty year precipitation database for the San Francisco International Airport collected between 1948 and 2003, the minimum and maximum annual rainfall was 9.8 and 39.8 inches (<http://www.wrcc.dri.edu/summary/climsmsfo.html>).

3.0 REVIEW OF EXISTING DATA

Evaporation. Also included in Figure 3-4 is evaporation for the San Francisco International Airport reported by the Western Regional Climate Center. Evaporation nearly equals or exceeds precipitation in all months excluding December, January and February. Evaporation rates are highest in summer months (4 to 6 inches per month) as a result of high air temperatures and wind speeds (see below). Annual evaporation totals 43.5 inches, and is over twice the average annual precipitation.

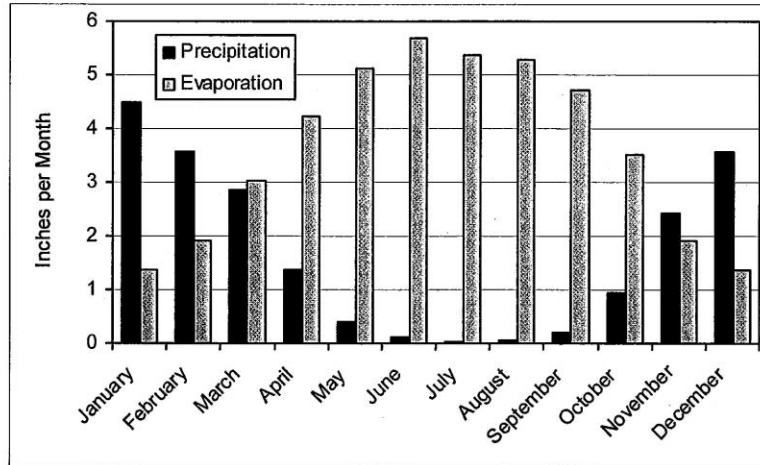


Figure 3-4. Average Monthly Precipitation and Evaporation at San Francisco International Airport
 (<http://www.wrcc.dri.edu/summary/climsmsfo.html>)

Temperature. Temperature variations at San Francisco International Airport are summarized in Table 3-1. Monthly average temperatures at San Francisco International Airport range between highs of 56 to 74 °F and lows of 42 to 55 °F. Average temperatures peak in the summer and fall months from June through October.

Table 3-1. Monthly Average Temperature at San Francisco International Airport
 (<http://www.wrcc.dri.edu/htmlfiles/westwind.htm>)

	Monthly Average Temperature (°F)											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Max	55.8	59.1	61.1	63.8	66.7	70.0	71.8	72.4	73.3	70.1	60.4	55.9
Min	41.8	44.5	45.8	47.2	49.6	52.3	53.8	54.8	54.6	51.8	45.6	42.3

3.0 REVIEW OF EXISTING DATA

Wind Speed. Monthly average wind speeds based on hourly observations from 1992 to 2002 are summarized in Table 3-2. Monthly average wind speeds range from 7 to 14 miles per hour (mph) and tend to peak in spring and summer months from April through August.

Table 3-2. Monthly Average Wind Speeds at San Francisco International Airport
(<http://www.wrcc.dri.edu/summary/climsmsfo.html>)

Monthly average wind speed (mph)											
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
7.6	8.3	10.0	12.9	13.6	14.3	13.1	12.9	11.1	9.2	7.8	7.7

3.3 Potential Contaminants and Sources

Contaminants of concern that may enter the proposed wetland site via surface water, ground water, or runoff from the watershed are described in this section.

Surface Water Quality. An assessment of storm runoff water quality is essential to storm water wetland design. Such an assessment allows for the identification of potential contaminants of concern that may enter the proposed wetland site from the watershed. Surface water sampling results provided to Arc Ecology by the U.S. Navy indicate elevated concentrations of contaminants known to be present in the landfill, including arsenic, cadmium, chromium, cobalt, copper, lead, mercury, nickel, and zinc (Shirley, 2000).

Table 3-3 summarizes water quality in surface water collected on Parcel E reported by Shirley (2000). The table also includes groundwater quality objectives developed for Parcel B, as established by the Parcel B Record of Decision for the site. These objectives are water quality limits that are not to be exceeded in water discharged from Parcel B. The limits cannot be applied directly to Parcel E, but are provided for comparison purposes until Parcel E water quality objectives are developed. The surface water data indicate that runoff from Parcel E is high in contaminants and may result in deleterious impacts to water quality in San Francisco Bay. Storm water entering a wetland sited on Parcel E could potentially receive contaminated storm water, and this should be considered in the design and operation of any wetland at the site which will be used by wildlife. This data also points out that a properly constructed and operated wetland could result in an improvement in water quality in the Bay by capturing and treating pollutants in stormwater before they reach the Bay.

3.0 REVIEW OF EXISTING DATA

Table 3-3. Surface Water Quality in Runoff from Parcel E
 (Shirley, 2000)

Contaminant	Sampling Event 1 (µg/l)	Sampling Event 2 (µg/l)	Groundwater Trigger Level (µg/l)
Arsenic	155	210	36
Cadmium	10.5	19.5	9
Chromium	132	268	16
Cobalt	27.7	41.7	20
Copper	340	530	28
Lead	3,980	8,840	14
Mercury	1.6	2.3	0.6
Nickel	153	206	97
Petroleum	18	7.4	1.4

Groundwater Quality. Two aquifers, A-aquifer and B-aquifer, are present under Parcel E. The A-aquifer is shallow and lies above the B-aquifer (Tetra Tech, 2003d). Depth to groundwater is around 15 to 20 feet and groundwater flows in a northwesterly direction. According to the RWQCB, the groundwater in A-aquifer is not suitable for either municipal or domestic use because of the contamination caused by the landfill. Neither natural formations such as an aquitard, nor geotechnical measures (for example, liners) separate waste deposited in the landfill from the A-aquifer. The B-aquifer is located at some distance below the A-aquifer, and groundwater flows in the deeper aquifer to the southeast. Although B-aquifer is considered suitable for potential municipal and domestic use, well construction is prohibited in most parts of the shipyard. Aquifers A and B are interconnected in the northern portion of the landfill.

Ground water contamination as a result of the landfill has been confirmed based on the presence of various types of metals and chemicals in the ground water. Metals, including copper, nickel, and zinc, volatile organic compounds (VOCs), pesticides, and polychlorobiphenyls (PCBs), exceed the evaluation criteria in groundwater samples collected in 2001 from the landfill area. In combination with site history, the presence of these contaminants indicates that ground water contamination exists (Tetra Tech, 2003d). Ground water data collected from throughout Parcel E indicate that the contamination is present not only in the industrial landfill area, but also in other Installation Restoration areas. Although the industrial landfill is situated mostly within IR-01/21, groundwater contamination extends into adjacent Installation Restoration areas, including IR-02, IR-12, and IR-56.

Soil Quality. According to a Soil Conservation Service soil survey, most of Parcel E is included in a general soil mapping unit called 'Unit 134-Urban land-Orthents, reclaimed complex, 0 to 2 percent slopes' (Tetra Tech, 2003c). The soil unit consists of areas covered by asphalt and concrete and also includes undeveloped areas. Areas that were once part of the San Francisco Bay and tidal flats are included in the survey and designated as recently man-made land areas consisting of a mixture of soil material, gravel, broken concrete, Bay mud, and solid waste materials. Two wetland-type clay soils are

3.0 REVIEW OF EXISTING DATA

found in this mapping unit for Parcel E: Reyes clay and Novato clay. Both are hydric soils due to frequently high groundwater elevations. The soils have variable textures because of the presence of asphalt, concrete, or buildings, gravel, broken cement and asphalt.

Soil data collected by the U.S. Navy are consistent with the type of contamination known to exist in the landfill area (<http://www.atsdr.cdc.gov/HAC/PHA.html>). Unexpected are high concentrations of lead, copper, and other heavy metals very near the surface of the landfill (Shirley, 2000). Levels of antimony, arsenic, copper, lead, and zinc were detected above the interim ambient levels that were developed by the Navy, and agreed upon by the regulatory agencies (Table 3-4). These interim ambient levels are used as field screening criteria to identify "hot spots" or high levels of chemical constituents. Soil data for IR-01/21 and the interim ambient levels are much higher than background concentrations of trace and major elements in California soils (Bradford *et al.*, 1996). Based on this data, there is potential for the transport of contaminated soil in runoff during storm events to San Francisco Bay.

Table 3-4. Maximum Contaminant Concentrations in IR-01/21 Soil
(Harding Lawson Associates, 1994)

Contaminant	Maximum Concentration (ppm)	95% Upper Confidence Limit of the Arithmetic Mean (ppm)	Interim Ambient Level (ppm)
Aroclor-1242	32,000	3,981.5	NA
Antimony	1,930	316	20
Arsenic	315	54.2	16
Beryllium	12	1.96	1.3
Cadmium	983	53.3	11
Copper	175,000	30,968	110
Lead	19,200	3,144	14
Manganese	5,150	1,352	2,980
Molybdenum	641	97.9	5.4
Nickel	8,440	1,716.5	3,400
Vanadium	24,900	3,065.9	110

4.0 WETLAND SITE CONDITIONS AND CONSTRAINTS

4.1 Introduction

The design and construction of a wetland at Hunters Point shipyard requires consideration of site conditions that may affect the creation of wetland habitat and the ability to attract wildlife or promote human recreational activities at the site. This section provides summary information regarding the following topics:

- Water Needs
- Water Availability
- Landfill Issues
 - Contaminant source
 - Landfill lateral and vertical Extent
 - Liquefaction potential
 - Interim landfill cap
- Environmental Justice Issues
- Regulatory Constraints

4.2 Water Needs

Table 4-1 summarizes precipitation and evaporation data for the area. Annual precipitation ranges from approximately 10 to 30 inches and averages 20 inches. Annual evaporation is approximately 44 inches. Since evaporation exceeds precipitation, any permanent wetland in the area will need an additional source of water other than direct precipitation. Minimal water needs of a wetland in the area can be estimated based on the difference between evaporation and precipitation and the surface area of the wetland.

4.0 WETLAND SITE CONDITIONS AND CONSTRAINTS

Table 4-1. Monthly Precipitation and Evaporation Rates Near Hunters Point Shipyard

Month	Average Precipitation (in/mo)	Dry Year Precipitation ¹ (in/mo)	Wet Year Precipitation ² (in/mo)	Evaporation ³ (in/mo)
January	4.50	2.36	6.49	1.36
February	3.58	1.88	5.16	1.92
March	2.85	1.49	4.11	3.04
April	1.37	0.72	1.97	4.24
May	0.39	0.20	0.56	5.12
June	0.12	0.06	0.17	5.68
July	0.02	0.01	0.03	5.36
August	0.05	0.03	0.07	5.28
September	0.19	0.10	0.27	4.72
October	0.94	0.49	1.36	3.52
November	2.42	1.27	3.49	1.92
December	3.57	1.87	5.15	1.36
Total	20.00	10.48	28.83	43.52

Notes

All data based on precipitation for SFO from 1948-2003; www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?casfoa+sfo.

¹Dry year values based on 10th percentile of annual precipitation data set. This total is spread over the year based on the relative monthly precipitation for the average year (e.g., January has 22.5% of annual precipitation; February has 19.25% of annual precipitation, etc.).

²Wet year values based on 90th percentile of annual precipitation data set. This total is spread over the year based on the relative monthly precipitation for the average year.

³Values based on 80 percent of pan evaporation data for SFO estimated from meteorological data using the Penman equation; www.wrcc.dri.edu/htmlfiles/westevap.final.html.

To estimate the amount of alternative water supply needed for the wetland, we developed a monthly water balance for the site. The water balance for an average year is presented in Table 4-2. The first two columns show precipitation and evaporation. The next two columns estimate water inputs to the wetland. Direct precipitation onto the wetland is estimated as the monthly precipitation times the area of wetland (20 acres). Stormwater runoff is estimated as the area of the watershed (38 acres) multiplied by monthly precipitation and an estimated runoff coefficient of 0.61 (Appendix E). The runoff coefficient is based on land use and landscape slopes in the watershed. A value of 0.61 means that 61 percent of the precipitation that falls on the watershed runs off as overland flow. The remaining 39 percent infiltrates into the ground. Outflow is estimated as monthly evaporation times the surface area of the wetland. Net inflow is a summation of the inflows and outflow. Required make-up water is the amount of water need to offset negative monthly flows when there is a potential water deficit for the wetland.

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4.0 WETLAND SITE CONDITIONS AND CONSTRAINTS

Table 4-2. Water Balance for Average Water Year for Hunters Point Wetland

Month	Precipitation (in/mo)	Evaporation (in/mo)	Inflow		Outflow	Net Inflow (acre-feet)	Required Make-up Water (acre-feet)
			Direct Precipitation (acre-feet)	Runoff (acre-feet)	Evaporation (acre-feet)		
January	4.50	1.36	7.5	8.7	-2.3	13.9	0.0
February	3.58	1.92	6.0	6.9	-3.2	9.7	0.0
March	2.85	3.04	4.8	5.5	-5.1	5.2	0.0
April	1.37	4.24	2.3	2.6	-7.1	-2.1	2.1
May	0.39	5.12	0.7	0.8	-8.5	-7.1	7.1
June	0.12	5.68	0.2	0.2	-9.5	-9.0	9.0
July	0.02	5.36	0.0	0.0	-8.9	-8.9	8.9
August	0.05	5.28	0.1	0.1	-8.8	-8.6	8.6
September	0.19	4.72	0.3	0.4	-7.9	-7.2	7.2
October	0.94	3.52	1.6	1.8	-5.9	-2.5	2.5
November	2.42	1.92	4.0	4.7	-3.2	5.5	0.0
December	3.57	1.36	6.0	6.9	-2.3	10.6	0.0
Total	20.00	43.52	33.3	38.6	-72.5	-0.6	45.5

Based on the water balance presented above, storm water and direct precipitation are adequate to keep the wetland full from November through March. Make-up water is needed from April through October when evaporation is high and inflow is low. Make-up water flow rates are around 2 acre-feet per month or 0.02 million gallons per day (mgd) in April and October, and around 9 acre-feet per month or 0.1 mgd from May through September. The total amount of make-up water required over the year is 46 acre-feet or 15 million gallons. An acre-foot is the volume of water equivalent to covering one acre of surface area one foot deep. It is roughly the amount of water that a typical family uses in one year.

Table 4-3 summarizes make-up water needs for a dry, average and wet year. Details are provided in Appendix F. In all years, 40 to 50 acre-feet of make-up water is required in the summer and fall to make up for evaporation losses. The average rate of usage of make-up water is around 0.07 mgd, and peak summer delivery rate is around 0.1 mgd. It is important to note that the volumes and flow rates reported here are minimal water needs for a permanently flooded wetland. Higher volumes and flow rates could be discharged to the wetland if water was available, and if recycled water was used, a significant improvement in water quality, particularly in nutrient levels, could be achieved. Conversely, water needs could be decreased simply by making the wetland smaller in area, or by allowing the wetland to dry out during the summer and fall.

4.0 WETLAND SITE CONDITIONS AND CONSTRAINTS

Table 4-3. Estimated Make-Up Water Needs of 20 Acre Wetland at Hunters Point Shipyard

Year	Total water needs, April through October		Average delivery rate, million gallons per day
	Acre-feet	Million gallons	
Dry	51	17	0.08
Average	46	15	0.07
Wet ¹	41	13	0.07

¹In wet year, water is only needed from May through October.

4.3 Water Availability

Alternative sources of make-up water for the wetlands include potable water or recycled water from local wastewater treatment plants and/or satellite plants. Potable water is not recommended due to the cost of purchasing the water. The most suitable source of make-up water is recycled water, treated effluent from a wastewater treatment plant. A recent draft report entitled the Hunters Point Shipyard Decentralized Wastewater Treatment Study (February 2004) recommends implementation of a decentralized wastewater treatment plant at the shipyard. The plant would treat wastewater produced at the shipyard and reuse the treated effluent for in-building dual plumbing demands, landscape irrigation, and environmental enhancement such as wetlands.

Estimated future wastewater flows produced within the shipyard range from 2 to 5 mgd. The draft study examined the cost and feasibility of treatment plants ranging in size from 0.5 to 4.0 mgd. Based on this study, there is adequate recycled water supply within the shipyard to meet the modest needs of the wetland proposed in this report, presuming that a decentralized wastewater treatment plant is implemented. The minimum size of such a plant would be on the order of 0.5 mgd. This compares with a wetland peak water demand of around 0.1 mgd between April and October. In addition, the recommended site of the decentralized wastewater treatment plant was in the light-industrial area of Parcel E or near an existing pump station facility in Parcel A. Both of these proposed areas are relatively close to the proposed wetland in Parcel E, thus delivering the water to the wetland would not be too complicated or expensive.

4.4 Landfill Issues

Several issues exist related to the ability of the industrial landfill to contain waste and not function as a source of continued contamination to the San Francisco Bay and adjacent parcels at Hunters Point. These issues, discussed below, include the lateral and vertical extent of the landfill, the potential for liquefaction, and the construction and/or extent of the landfill cap. Many of the issues and uncertainties would be ameliorated if the landfill was removed and replaced with a wetland.

Contaminant Source. Surface runoff, ground water, and soils in Parcel E contain elevated concentrations of numerous contaminants. Of concern is the potential for infiltration through the landfill cover and ground water flows through the landfill waste to transport contaminants either within

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Parcel E, to adjacent parcels, or to San Francisco Bay. As discussed earlier, a slurry wall barrier and a ground water extraction system were constructed to limit the migration of ground water contaminated from the landfill into San Francisco Bay (Tetra Tech, 2003b). A drainage system along the northern perimeter of the landfill was constructed to intercept runoff from the watershed and divert it around the landfill. In addition, a landfill gas collection system was installed along the northern boarder of the landfill to intercept, treat and dilute landfill gasses into the atmosphere. In order to prevent the landfill from acting as a contaminant source, these engineered solutions must be maintained and monitored continuously. Operation of the ground water extraction system alone costs an estimated \$250,000 per year to operate (communitywindowontheshipyard.org).

Extent of Landfill. The location of contaminants deposited in the landfill remains somewhat unclear. It is known that the fill area extends outside of the area currently designated as industrial landfill, and that as a result, efforts to prevent infiltration, percolation, and contaminant transport may not be effective. Results of a recent study to define the extent of the landfill are discussed below.

Between March and September of 2002, an investigation was conducted to determine the extent of waste fill at the Hunters Point industrial landfill (Tetra Tech, 2003b). Test pits were dug around the border of the landfill to estimate the lateral extent of the landfill. Along the northern perimeter of Parcel E landfill waste extends from under the landfill cap to a few feet from the fence that separates the UCSF compound from the landfill. Landfill waste was also found in borings along the eastern extent of the northern perimeter. Test pit data indicated that the eastern perimeter of the landfill is beneath the interim cap. Test pit data along the western perimeter of the landfill, which is adjacent to a warehouse/industrial area, also contained landfill waste. Data obtained along the northern border has reportedly been used to design a barrier wall to divert ground water around the landfill, and a vent system to contain the landfill gas within the footprint of the landfill.

The vertical extent of landfill waste was assessed by a series of test borings. Boring data collected along the perimeter of the landfill confirmed that the bottom of the waste was usually deeper than the bottom of the test pits excavated to determine the lateral extent of the landfill. Landfill waste was generally located between 20 feet above mean sea level and 14 feet below mean sea level. The thickness of the waste was found to vary from 10 to 25 feet. In most test borings drilled deeper than 15 feet below grade, the water table was encountered before the bottom of the waste. The only exception to this was at the northwest corner of the landfill, where the water table was located deeper than the bottom of the waste. The waste was deposited directly on top of Bay mud in the southern and eastern portions of the landfill, and on top of the sands of the B-aquifer in the northwestern portion of the landfill.

Figure 4-1 shows a cutaway side-view of the landfill presented by Tetra Tech in the Landfill Lateral Extent report (2003b). The figure shows a transect of the landfill running across the shorter width of the landfill from the northeast (on the right) to southwest (on the left). The waste is colored gray. Surrounding soils and clays are colored in browns, yellows, greens and blues. The landfill cap is colored in red. The surface of the ground water is shown in light blue and Bay water is colored purple. The waste generally lies in a region from -10 to +10 feet above mean sea level and ranges in thickness from 10 to 20 feet. Note that the ground water elevation is around 4 feet above mean sea level and waste below this elevation is in direct contact with ground water. Also note that the interim cap does not cover the edges of the landfill.

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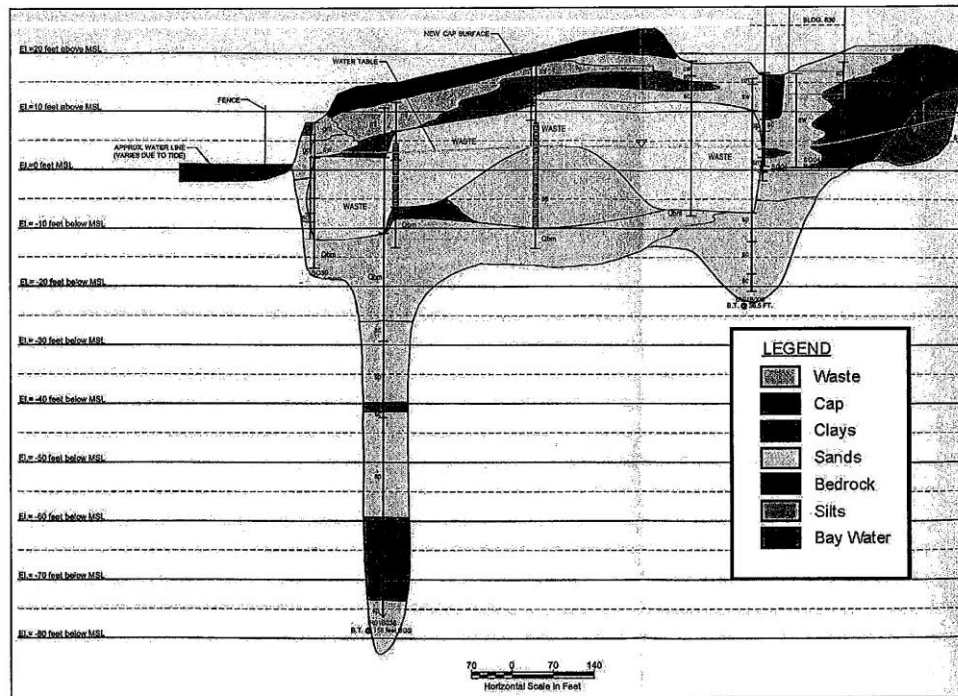


Figure 4-1. Cutaway View of Landfill in Parcel E
Source: Tetra Tech (2003b)

Liquefaction Potential. A field investigation was recently conducted to evaluate the potential for liquefaction in subsurface soil in areas surrounding Parcel E (Tetra Tech, 2003b). The study determined the type of soil layer, as well as its thickness, density, and ability to transmit lateral motion through the soil column above bed rock. Standard geotechnical test were performed on multiple soil samples. Results indicate that lateral soil movement of 1.5 to 5 ft could occur during an earthquake, with non-uniform soil liquefaction across Parcel E due to varying soil type and depth. In addition, settlement due to liquefaction on the order of 5 to 10 inches could be expected. This data suggests that the potential for liquefaction in the vicinity of the landfill during earthquake activity is a serious concern. Lateral movement resulting in settlement could exert pressure on the landfill waste that could transfer contaminants outside existing boundaries, and potentially into areas being developed for public housing and open space (Parcel A). In addition, wastes in the landfill could be redistributed causing chemical reactions resulting in contaminant releases in the form of gases, fires, or leachate.

Landfill Cap. In 2000, a multilayer landfill cap was installed to smother a fire within the landfill and to prevent percolation of the surface runoff through the landfill. The cap consists of a few feet of well-compacted soil covered by a specially designed fabric/clay liner covered with a few feet of clean soil that supports vegetation. The landfill cap is offset from the landfill to the north and does not cover the

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entire landfill area. The cap cost an estimated \$10,000,000 to construct and ongoing maintenance is required to promote and control the growth of suitable plants on top of the cap.

4.5 Environmental Justice Issues

Residents of the adjacent areas around Hunters Point have expressed considerable concern about the health effects associated with the location of an industrial landfill in their community (<http://www.atsdr.cdc.gov/HAC/PHA.html>). Of great concern is the fact that according to the Redevelopment Plan for Parcel A, which is adjacent to Parcel E to the northwest, low income housing will be constructed. Existing concerns about children climbing fences into Parcel E, children playing in contaminated soils, increased incidences of asthma, exposure to volatile compounds, the potential for fire and/or explosions and other hazards associated with the industrial landfill, have been well documented.

Another issue of concern is that at numerous former military installations in San Francisco, following base closure, the sites were remediated at great expense and redeveloped to include public access. Examples include the Presidio, Fort Funston, Fort Mason, and Crissy Field. The location of these sites and other significant parks in the City is included in Figure 4-2. Note that the majority of large open-space and parks are in the north and west of the City. Given the general lack of parks and recreational outlets in the Hunters Point area, remediation and restoration of the shipyard, and specifically the replacement of the Parcel E industrial landfill with a publicly accessible wetland, provides an exciting opportunity to afford local residence with equivalent access to natural open-space. In addition, a storm water wetland at Hunters Point would enhance the connectivity of parklands along the shore line. A long-term recreational goal in the area is to develop parklands that wrap around the entire South Basin shoreline.

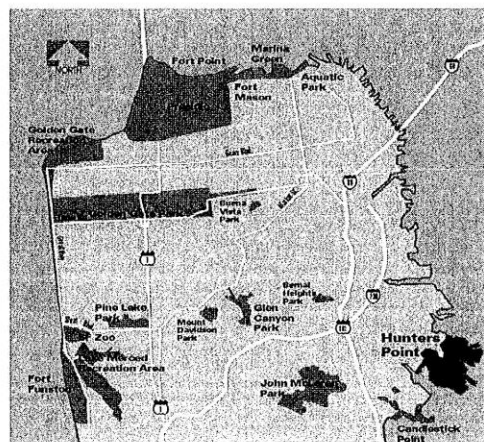


Figure 4-2. Parks and Open Space in San Francisco

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4.0 WETLAND SITE CONDITIONS AND CONSTRAINTS

4.6 Regulatory Constraints

The United States Clean Water Act (CWA) is the primary regulatory tool for the protection of natural wetlands and wetlands created for mitigation and water purification purposes (Hammer, 1991). Prior to construction of the conceptual wetland design, the proper selection and sequence of pertinent local, state and federal permit requirements must be determined.

The U.S. Army Corps of Engineers (COE) and the U.S. Environmental Protection Agency (U.S. EPA) decide on a case-by-case basis whether or not particular bodies of water are considered waters of the United States (Interagency Workgroup, 1999). Although wetlands intentionally created from non-wetland sites for the purpose of wastewater or storm water treatment are not normally considered waters of the U.S., discharges from constructed wetlands to waters of the U.S. must meet applicable NPDES permit effluent limits and state water quality standards (Hammer, 1991). Since the existing seasonal wetlands on Parcel E may be considered waters of the U.S. and discharge from a constructed wetland at Parcel E could enter San Francisco Bay, the construction of a wetland in Parcel E could fall under the jurisdiction of the CWA and the project will require fulfillment of CWA Sections 401, 402 and 404:

- **Section 401.** This section addresses Water Quality Certification. It verifies compliance with State or Tribal water quality standards. Section 401 verification is necessary when projects result in discharges to waters of the United States and require Section 402 or 404 permits (Interagency Workgroup, 1999).
- **Section 402.** Section 402, which includes the Storm Water NPDES program, is designed to regulate the discharge of a pollutant from a point source into waters of the United States. The state of California is authorized by the EPA to issue Section 402 NPDES permits. The construction of a treatment wetland at Parcel E would require a Section 402 NPDES permit if storm water captured by the proposed wetland is released to the San Francisco Bay (Interagency Workgroup, 1999; Hammer, 1991).
- **Section 404.** This section regulates discharge of dredged or fill materials into waters of the United States. A Section 404 permit would be required if the constructed wetland at Parcel E was built in the vicinity of a pre-existing wetland or riparian corridor. As stated above, the COE and the EPA decide on a case-by-case basis whether or not particular bodies of water are considered waters of the U.S. The COE administers section 404 permits, with advisement from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (Interagency Workgroup, 1999).

Typically, wetland construction requires preparation of a California Environmental Quality Assurance (CEQA) Initial Study followed by a period of public review (Silverman, 1984). Additional permits that could possibly be required to construct engineered wetlands include: sediment and erosion control plans, dam safety permits, a Department of Fish and Game Stream Alteration permit, local grading permits, and land use approvals or encroachment permits (U.S. EPA, 1999).

In addition to the COE and EPA, other regulatory agencies typically involved in permitting for wetland construction in California include: US Fish and Wildlife Service; National Marine Fishery Service; California Department of Fish and Game; Regional Water Quality Control Board; and local Mosquito

4.0 WETLAND SITE CONDITIONS AND CONSTRAINTS

Abatement and Flood Control Districts (Silverman, 1984). The Coyote Hills Demonstration Urban Stormwater Treatment (DUST) wetland in Fremont, California provides an example of the agencies and permits required for the construction of a storm water wetland in the San Francisco Bay area (Table 4-4).

Table 4-4. Permits for the DUST Wetland in Fremont, California (Silverman, 1984)

Agency/Permit	Permit Requirement
State Determination of Environmental Significance	CEQA initial study, adopted negative declaration (conditional) on environmental impacts
Army Corps of Engineers Section 404 Permit	Conceptual Plan. Approved CEQA initial study and negative declaration. No net loss of wetlands.
Department of Fish and Game Stream Alteration Permit	Minimize disturbance and environmental degradation. Protect water quality. Limited construction period to protect fish and wildlife.
City of Fremont Grading Permit	Exempt due to lack of fill or export to the site.
Alameda County Flood Control and Water Conservation District Encroachment Permit	No reduction in storage capacity or obstruction to flow.

Any constructed wetland in Parcel E at Hunters Point shipyard would need to comply with a similar list of agencies and permits outlined in Table 4-4. Of greater concern is the need to address existing contamination at the site, the presence of the industrial landfill, and potential for future releases from the landfill. Replacement of the landfill with a wetland could greatly reduce the potential for future contaminant releases while providing recreational opportunity for the Hunters Point community, improve storm water released to the bay, polish wastewater effluent, and create habitat for wildlife.

5.0 WETLAND DESIGN FEATURES

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5.1 Introduction to Wetlands

Wetlands are land areas inundated by fresh, ground, and/or salt water for at least a portion of the growing season. These saturated conditions produce a unique ecosystem characterized by specific types of soils, vegetation, hydrology and wildlife. Wetlands contain saturated or hydric soils characterized by anoxic conditions, which produce soil of a distinctive gray color and fine texture. Hydrophilic plants are adapted with specialized structures that enable them to transport oxygen to their roots and thus thrive in the oxygen-deficient soils typical of wetlands (Hammer, 1989).

Wetlands are among the most biologically productive natural ecosystems in the world and provide a variety of life enhancing benefits. Wetlands cleanse waters of nutrients and toxins, prevent flooding by providing storage of floodwaters, provide open space for aesthetics, education and recreation, and provide essential habitat for many species of plants and animals, including rare and endangered species and migratory birds (U.S. EPA, 2002).

Wetlands are characterized as permanent or seasonal, and as fresh, saline or brackish. Permanent wetlands are continuously flooded with water and provide year-round habitat for migratory and permanent wildlife species. Seasonal wetlands are periodically flooded with surface water early in the growing season and generally dry out each spring or summer. Seasonal wetlands provide benefits of both flooded and mudflat habitats throughout the year. As spring dewatering occurs, mudflat conditions tend to prevail attracting migrant shorebirds and ducks. Freshwater wetlands receive water from surface runoff and/or freshwater groundwater discharge. In contrast, tidal wetlands are regularly exposed to the ebb and flow of the tides and can be either salt water or brackish. Plants that live in saline wetlands have special adaptations to withstand tidal action and high salinity.

5.2 Design Features to Enhance Bird Habitat

An established wetland system will provide food and habitat for a diverse population of plants, birds, fish, small mammals, and invertebrates. Some of the animals attracted to a constructed wetland will become permanent residents while others will be seasonal and migratory visitors (Dawson, 1989). Constructed wetlands can be especially beneficial for waterfowl. For example, the constructed freshwater wetland at Mount View Sanitation District, California, is populated with more than 123 species of birds (U.S. EPA, 1993 and 2002). Given Hunters Point's location on the Pacific Flyway, it is especially important that any wetland design create habitat to support both resident and migratory birds. A number of design attributes that can improve waterfowl habitat in a constructed wetland are discussed briefly below.

Structural Complexity. Structural complexity is one of the most important design features to enhance wildlife habitat in a constructed wetland. A successful constructed wetland will have a combination of open water areas with depths greater than 4 to 6 feet, and shallow marsh areas less than 2 feet in depth where emergent vegetation will grow. Several small cells rather than one large marsh tend to promote wildlife use of a wetland, as well as providing for better water treatment since short circuiting is

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inhibited. Shorelines should be irregular in shape and islands within ponds can provide ideal bird habitat.

Vegetation. Vegetation has a major influence on bird habitat, and a variety of vegetation is needed to support diverse wildlife and bird populations (Fredrickson and Reid, 1987). Aquatic plants within the wetland are classified as emergent, floating and submerged (Dawson, 1989). Emergent plants grow up and out of shallow water. They transfer oxygen to the root zone and provide habitat and food for birds and other animals. Emergent plants frequently found in constructed wetlands include cattails, reeds, rushes, bulrushes, and sedges. Floating plants have leaves that are on the water surface while their roots extend into the water column. Floating plants can reduce sunlight penetration and limit the growth of noxious filamentous algae in the water column. Examples of floating aquatic vegetation include water hyacinth, duckweed and pennywort. Submerged aquatic plants grow underwater and common species include milfoil and watercress. The practical use of submerged aquatics in constructed wetlands is limited since they tend to be shaded out by floating plants and algae and/or inhibited by anaerobic conditions common in wetlands (U.S. EPA, 1988).

Wetland design should also incorporate terrestrial plants, including trees and shrubs, located near the shores of the wetland system. Terrestrial plants provide food, nesting habitat, shade cover, windbreaks and habitat (Dawson, 1989). Dense uniform terrestrial cover crops can be used for erosion prevention on overland flow slopes and levees (Metcalf and Eddy, 1991). Open grassy areas should be limited since they tend to attract unwanted species such as geese.

Water Depth. The availability of appropriate water depths is an important element of effective waterfowl management. In keeping with the concept of structural complexity, a range of water depths should be incorporated into a constructed wetland. Shallow water, less than a foot deep, is essential for wading birds to foraging. Loafing strips, long and thin areas of very shallow water, provide ideal resting and foraging habitat for birds. Foraging can be further enhanced by slowly drawing down water level in ponds. This exposes benthic biota which facilitates feeding by shore birds. Ducks and diving birds are adapted to deeper bodies of open water where visibility is good and vegetation is sparse.

Islands. Islands provide waterfowl with ideal resting habitat that is protected from predators and provides the birds with clear line of site. Loafing strips, long and thin areas of very shallow water, can be connected to islands and provide birds with excellent resting, nesting and foraging habitat.

5.3 Physical Design Factors

An artificial wetland can be constructed with many different physical features. These features depend on the geographical location, seasonal weather conditions, and the purpose for which the wetland is designed. However, all wetlands must contain structures which will conduct water into and out of the system, control water flow, physically contain the water, and provide the means to fulfill specific process requirements. Such structures include, but are not limited to, single and multiple port entry devices, baffling structures, pond configurations, berms, dikes, and vegetation. Under some conditions, as at Hunters Point, a liner may be required. All of these features serve a combination of purposes which interact to produce a complex and viable artificial wetland capable of treating wastewater streams and urban runoff while providing food and habitat for wildlife. A brief discussion highlighting some of these design features is included below.

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Wetland Configuration. Three different configurations are generally used in constructed wetlands: series, parallel, and a combination of parallel and series. The series configuration utilizes wetland cells in series while the parallel configuration splits inflow into a number of cells in parallel. In general, the more cells that water passes through, the better the removal of pollutants. All constructed wetlands should have at least two parallel cells so that one can operate while the other is shut down for maintenance. Two important features in wetland construction are to avoid "blind spots" in corners where water will stagnate, and to maintain good bottom uniformity to minimize channel formation and prevent short circuiting. Gravity is the favored method for transporting water through a wetland system, and where possible, the system should be designed to follow natural topography that facilitates gravity flow.

Many designers recommended a forebay/pond/wetland system for treatment of urban runoff (Walesh, 1989; U.S. EPA, 1999). The first component of this system, the sedimentation forebay, consists of a small area into which the influent flows. Debris and large particulates settle out of the water by gravity and collect at the bottom of the basin. The forebay acts to decrease the velocity of water entering the wetland and to decrease the sediment loading to the subsequent pond/wetland system. Many pollutants in urban runoff are attached to particulate matter, thus the forebay captures these particle-related pollutants before they reach the wetland. Adequate access to the forebay is needed so that equipment can enter and remove any polluted sediment that accumulates in the forebay. The forebay is followed by a pond/wetland system which provides a wide range of water treatment capabilities and aquatic habitats for wildlife.

Flow Control Structures. Once the influent has been brought to the wetland site, it must be introduced to the wetland and transferred between wetland cells in a controlled manner. Piping is normally used as an influent conductor when the influent is already contained, as from a wastewater treatment facility. Additional inlet/outlet structures include single port entry structures like weirs, and gates, as well as multiple port entry structures such as perforated piping. Multiple port entry structures are preferred over single port entry structures because they provide more even flow rates and influent distribution. One of the simplest multiple port structures is perforated piping. Influent conducted to the perforated pipe flows out into the wetland system through openings in the pipe which run the width of the system.

Weirs and gates are single port entry structures used to measure and control flow where the water surface can remain free (Grant, 1989). Weirs can be constructed in many different configurations including U-shaped, V-notched, parabolic, trapezoidal and truncated triangular. The shape and size of the opening determines the flow rate of the effluent. A gate structure may be a manually operated structure as simple as a sheet of plywood which can be lifted or lowered to release or retain effluent flow, or a sophisticated automated device. The primary difference between weirs and gates is that gate structures have the ability to block the flow of water while weirs can only measure or direct the flow rate. Gates tend to be used as flood control and drainage/draw-down devices, while weirs generally serve as entry/outlet ports into and between pond cells.

The removal of pollutants can generally be increased by increasing the detention time. This is accomplished by forcing the influent to take a more meandering course through the wetland. This may be accomplished by installing baffles (U.S. EPA, 1983). Baffles are structures that cause the direction and velocity of the flow to change. A baffle can be a small earthen "island" placed in the path of

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influent flow which diverts the fluid to either side, or it can be a submerged fence. Easy installation and low cost have made the latter method popular. The same effect caused by baffling can be achieved by the configuration of the wetland system. Wetland cells can consist of several shallow canals rather than large, wide ponds. The channels will have the same effect on the flow pattern of the influent as baffling.

Levees. One of the largest components of constructed wetlands is the levees that surround and contain the water. Associated apparatuses are also designed to limit damage to wetlands such as rodent burrowing, seepage, or erosion that could damage the levee. The basic component of constructed wetland levees is soil. Soil is mounded and compacted to a specified height and width. In wetlands where the soil is high in clay and rests upon a deep foundation of mud, extra care and maintenance must be taken to construct the levees. At these sites, levees should have a wide base and may need to be continually raised to compensate long-term subsidence caused by the compression of the underlying soils (U.S. EPA, 1983).

The sides of the levee are carefully graded to promote vegetation growth while still retaining water. The percent grade used for a given levee will depend upon topographical features of the site, soil composition, vegetation selection, and the intended purpose of the constructed wetland. The exposed surfaces of the levee need to be protected from rain, wind, and wave erosion, as well as from burrowing animals. Rip rap is commonly used for these purposes. Rip rap are pieces of rock or broken concrete which are carefully laid across the exposed surface of the levee. If rodent burrowing and wind and rain erosion are not a serious problem, then the exposed surfaces of the levee may be covered with grass.

Vegetation. Vegetation and microbial organisms purify water in several ways. Plants will take up many pollutants through their roots and store them as biomass. Plants, both dead and alive, also provide surface area and carbon for microbial growth and the physical filtration of suspended particles. Two different categories of microbes generally exist in wetlands: aerobic organisms that thrive in high oxygen conditions and anaerobic bacteria that live under no-oxygen conditions. An example of these two types of microbes working together in wetlands is the nitrification/denitrification process which converts ammonia to nitrate (aerobic microbes) and nitrate to nitrogen gas (anaerobic microbes). This process removes nitrogen in the form of ammonia and/or nitrate from the aquatic ecosystem and transfers it as nitrogen gas to the atmosphere, thereby purifying the water traveling through the wetland.

When constructing a wetland, suitable provisions must be made to optimize growing conditions for these functioning flora. Structural considerations to promote vegetative and/or microbial growth include providing both shallow areas with gradual bank slopes for emergent vegetation such as cattails and bulrushes, and deep areas of water to promote anaerobic bacterial growth. In addition, large surface areas of water can provide adequate air to water oxygen transfer for fish and aerobic bacteria.

5.4 Wetland Liner and Reuse of Landfill Cap

Seepage into or out of a constructed wetland is not a desirable occurrence. Seepage results in fluctuations in the water depth and can cause pollution of groundwater (U.S. EPA, 1983). It is common practice in treatment pond design to assume that natural sealing will occur at the bottom of the wetland. Sealing can occur by a combination of mechanisms including physical clogging of soil

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pores by settled solids, chemical clogging of soil pores by ionic exchange, and organic clogging caused by microbial growth at the pond bottom.

In the case of Hunters Point, a liner system should be considered due to the presence of contaminated ground water and soils at the site. The conventional solution to seepage problems in treatment ponds and lagoons is the use of synthetic liners. While this method provides very good isolation between a wetland and underlying soils and groundwater, it can be expensive. Well-compacted clay soils can also provide adequate isolation between surface and ground waters at much lower costs. The section below discusses the potential for the reuse of soils already on site to fill in the excavated landfill after removal of the waste, and to construct a liner to protect the wetland from potential contamination from underlying groundwater and soils.

The recently installed landfill cap provides a source of clean fill that can be used during wetland construction, and this will preclude the need for the importation of large amounts of clean soil onto the site to construct the proposed wetland. Figure 5-1 shows a schematic of the wetland construction process. Generally speaking, the current landfill sits atop bay mud and is covered with a layer of native sand/clay and a landfill cap (Tetra Tech, 2003b). Ground water flows through the waste area. During excavation and construction, clean soils from the landfill cap and underlying sand/clay should be segregated and stockpiled on site for later use. Once the landfill waste is removed, the native sand/clay, presuming it meets soil quality objectives, can be placed in the excavation area. The clean soil from the landfill cap would then be used as the base for a wetland.

As described in Section 4.4 (Landfill Issues) the landfill waste covers approximately 20 acres and has an average thickness of around 15 feet. Removal of the landfill waste would result in an excavated area roughly 20 acres in surface area with a base elevation of 5 to 10 feet below mean sea level. Native clay/sand currently on top of the landfill could be placed in the excavated area and bring the base elevation up to approximately sea level. If the permeability of the native clay/sand is not low enough to isolate the wetland from the ground water, a clay liner could be installed on the clay/sand. The clean soil from the landfill cap would then be placed on top of the native clay/sand, thereby raising the elevation by roughly an additional 5 feet. Additional clean fill may be needed for the construction of the levees around the wetland.

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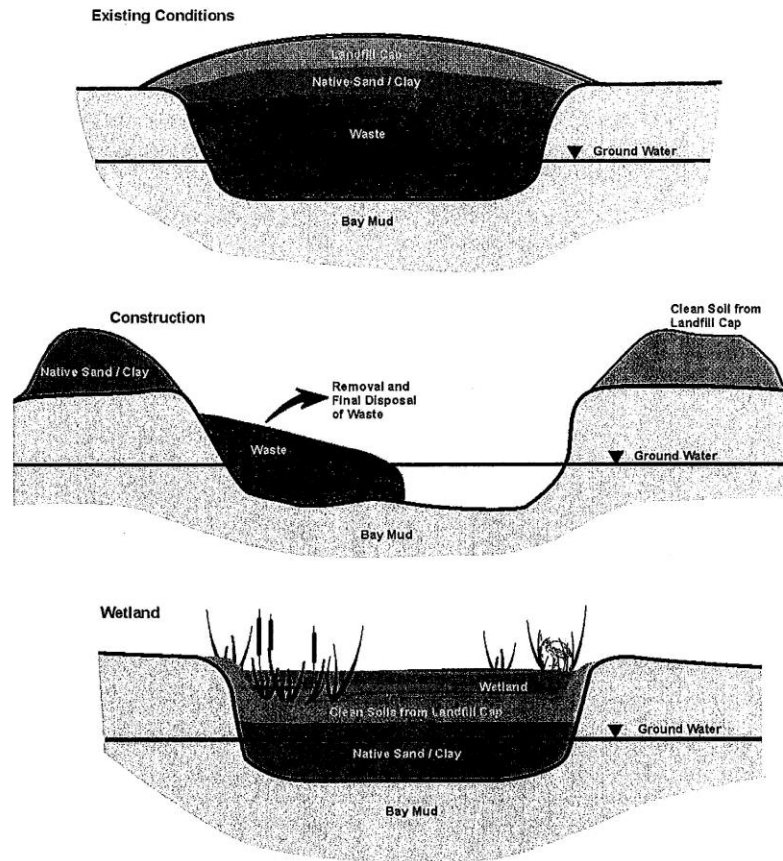


Figure 5-1. Schematic of Reuse of Landfill Cap

5.5 Mosquito Abatement

Although there is public concern about mosquito outbreaks resulting from constructed wetland projects, wetlands can be designed and maintained to keep mosquito populations to a minimum. Mosquitoes lay their eggs on or near the water and the mosquito larvae live on the water surface, breathing air and feeding primarily on algae and organic debris (Borrer, 1976; Metcalf and Luckman, 1975). Minimizing hydraulically static areas, controlling water level, disturbing water surface to drown larvae, minimizing anaerobic zones, and creating access for natural mosquito predators are common mosquito control strategies. Some of these strategies are discussed in further detail below.

Water level manipulation and topography control are two commonly used control mechanisms. The periodic drawdown of the water surface in a wetland can eliminate habitat for most mosquito species

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and can be timed for key periods in the insect's life cycle (Collins and Resh, 1989). Wetland topography should be constructed to avoid ponding of water in isolated areas during drawdown. In addition, deep pools should be provided to ensure sufficient habitat for fish during the dry season when wetland water elevation may be minimal (Silverman, 1984).

Wetland vegetation, although beneficial in other ways, can provide larvae with refuge from water surface disturbances and predators, and can decrease developmental time by increasing habitat temperature and enhancing food resources. Vegetation selection plays a key role in mosquito management. Dense patches of free-floating vegetation (i.e., duckweed and water fern) which totally cover the water surface inhibit mosquito egg laying. In contrast, water hyacinths, pickleweed and pondweed appear to support large populations of mosquito larvae (Collins and Resh, 1989). Appendix G includes a copy of an assessment of wetland plant of the San Francisco Bay Area in relation to the ecological control of mosquitoes from by Collins and Resh (1989).

The addition of fish to a wetland is commonly used as a natural method to control mosquito populations. The mosquito fish (*Gambusia affinis*) is the most widely used biological control agent and is harvested for mass inoculation into wetland systems. Sunfish (*Lepomis spp.*) and stickleback (*Gasterosteus spp.*) are two additional species that can enhancing mosquito control efforts. The three different fish species will inhabit different niches within a wetland/pond system, thereby providing comprehensive protection against mosquitoes (Collins and Resh, 1989). Adequate dissolved oxygen concentrations and low ammonia levels should be maintained in the wetland to make the aquatic environment hospitable to fish (Tchobanoglous, 1987; Horne, Personal Communications). Oxygen is required for the fish to breathe, while ammonia can be toxic to fish. Oxygen levels can be maintained mainly by limiting organic loading to the wetland. Recycled water from domestic wastewater treatment plants is generally of adequate quality to support fish in a wetland.

Neither the City nor County of San Francisco have a dedicated mosquito abatement district that is responsible for the control and monitoring of mosquitoes. Mosquito abatement in the City is handled by the San Francisco Department of Public Health. The nearby San Mateo County Mosquito Abatement District (SMCMAD) controls and monitors harmful pests, including mosquitoes, in San Mateo County. A representative from the SMCMAD is available for a preliminary site visit and to review the wetland design plans to ensure a mosquito source is not created at Hunters Point (Peavey, Personal Communications).

6.0 WETLAND ALTERNATIVE SELECTION AND CONCEPTUAL DESIGN

6.1 Objectives of Wetland at Hunters Point Shipyard

Based on dialog with the staff at the GGAS, we identified three main objectives for wetland creation at Hunters Point:

- Provide opportunities for public education, access, and recreation.
- Create marsh habitat for desirable birds and aquatic biota.
- Improve the quality of storm water and wastewater effluent prior to discharge to San Francisco Bay

An overarching goal of the project was also to provide an alternative vision for the use of the area in Parcel E now containing an industrial landfill. The proposed location of the wetland described in this study is the area currently occupied by the landfill, and this conceptual design assumes the prior removal and final off-site disposal of landfill waste.

6.2 Wetland Alternatives Analysis

Constructed treatment wetlands generally fall into one of two conceptual types: the free water surface wetland, and the subsurface flow wetland (Reed *et al.*, 1995). In a free water surface wetland, the water surface is in contact with the atmosphere in basins that can be variable in depth. In a subsurface flow wetland, the water surface is maintained below the surface of a porous media that is contained in an excavated basin or trench. Table 6-1 compares these two wetland types with respect to ability to meet the project objectives stated above. For obvious reasons, a free water surface wetland is the preferred option available at Hunters Point.

Table 6-1. Comparison of Free Water Surface and Subsurface Flow Wetlands

Characteristics	Free Water Surface Wetland	Subsurface Flow Wetland
Public recreation	Available as open space	Minimal
Wildlife habitat	Refuge and nesting areas, and food sources available for fish and birds	Minimal
Vegetation types	Emergent, submerged, floating aquatic vegetation habitat available	Minimal

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Additional considerations in the conceptual design of a wetland include whether the wetland will be a seasonal or permanent wetland, and whether the wetland will include freshwater, brackish water, and/or saltwater wetland cells. For this alternative analysis we evaluated three alternatives: a permanent freshwater wetland (Alternative 1), a seasonal freshwater wetland (Alternative 2), and a permanent freshwater/tidal wetland (Alternative 3). Figure 6-1 shows a schematic of these three alternatives.

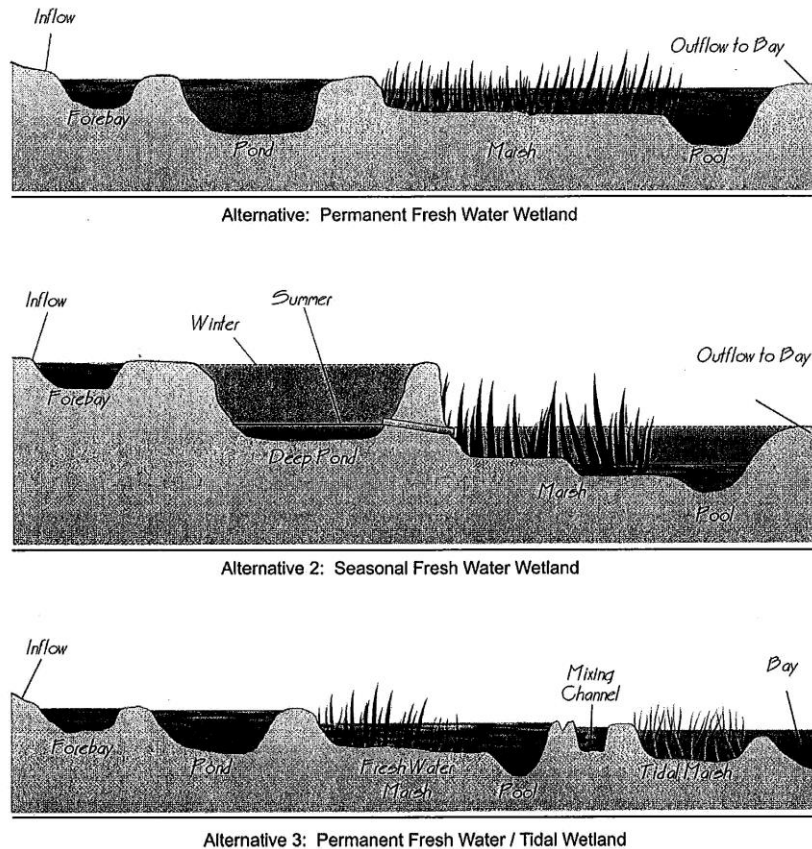


Figure 6-1. Hunters Point Wetland Alternatives

Each of the three alternatives has several features in common. Inflow first discharges into a forebay. The forebay acts as a basin for settling of suspended solids. An added benefit of the forebay is that it can be dredged if the sediment load is excessive. After the forebay is a pond. Ponds provide open-water zones that are accessible to birds and wildlife. Ponds also enhance treatment benefits by increasing retention time in the wetland. Marsh areas follow the ponds. Marsh areas enable the growth

6.0 WETLAND ALTERNATIVE SELECTION AND CONCEPTUAL DESIGN

of emergent vegetation that can be utilized by wildlife as a food resource, and for nesting and resting space. In addition, emergent vegetation is an attachment substrate for bacteria that are active in the removal of pollutants present in the inflow. Pool areas in the marsh provide a refuge for fish during low flow periods. They are of particular importance when water level manipulation is needed or, in seasonal wetlands during months when water surface levels are reduced. The feasibility of each alternative is assessed below.

Alternative 1 – Permanent Freshwater Wetland. In the permanent freshwater wetland alternative, storm water and recycled water flow into the forebay, and are gravity fed to the pond, which flows into the marsh/pool cells. The marsh overflows to San Francisco Bay. In Alternative 1, water levels will be maintained in all wetland components throughout the year through the use of recycled water. Hydraulic structures to allow drawdown of the water level to optimize operations will be provided.

Based on a review of project objectives, the permanent freshwater wetland system is the preferred alternative for Parcel E at Hunters Point. It is the only alternative that meets the multiple project objectives: providing high-quality year-round recreational opportunities to the community; providing optimal year-round habitat for a range of resident and migratory populations of fish, birds and other wildlife; and providing a year-round mechanism for improving storm water prior to discharge to the Bay. Additionally, with a permit from the National Pollutant Discharge Elimination System NPDES, these wetlands could also receive recycled water.

Alternative 2 – Seasonal Freshwater Wetland. In this alternative, stormwater flows into the forebay and then is gravity fed to the pond/marsh system. Since input to the wetland will depend on precipitation and runoff in the watershed, the pond water level will fluctuate from summer to winter months. This requires construction of a larger and deeper pond to store storm water. Storm water from the pond will discharge into the marsh and pool over the spring and summer, followed by discharge into San Francisco Bay. The water level in the pond is expected to drop considerably, resulting in the need for a hydraulic structure to convey water from the deep pond to the marsh.

While this alternative is feasible, it does not fully meet the objectives for the project. Since the pond and marsh would be dry in the summer, it would not provide for a year-round aesthetically pleasant recreational resource for surrounding inhabitants. In addition, this alternative does not utilize the treatment capacity of the wetland to improve the quality of recycled water before it is discharged to the Bay.

Alternative 3 – Permanent Freshwater/Tidal Wetland. In the permanent freshwater/tidal wetland alternative, inflowing storm water and recycled water follows the same path as described for Alternative 1, with the exception that outflow from the marsh/pool will flow into a mixing channel where it will combine with incoming saltwater from San Francisco Bay during periods of high tide. The use of flap gates or unidirectional valve structures will direct the mixed water into the tidal marsh cell, which is hydraulically connected to San Francisco Bay.

This alternative is not recommended at Hunters Point due to contaminated sediments, including PCBs, in Parcel F, the submerged area of the Bay just offshore of Parcel E. We are concerned that contaminants could be resuspended and transported into the tidal marsh area. This could potentially lead to the contamination of biota if the pollutants biomagnified up the food chain within the wetland. In addition, this alternative would need to have relatively complex water control structures and operational procedures which make it less attractive.

6.0 WETLAND ALTERNATIVE SELECTION AND CONCEPTUAL DESIGN

6.3 Conceptual Design of Preferred Alternative

Figure 6-2 shows the conceptual design developed by the project team for a permanent freshwater wetland in Parcel E of Hunters Point. Note that not all facilities in Figure 6-2 are to exact scale. The design includes a series/parallel configuration in which water passes through two parallel systems that consist of multiple cells in series. The wetland includes a forebay/pond/wetland treatment train which provides a wide range of treatment capabilities and wildlife habitats. Water first flows into the Forebay. From the Forebay, water is distributed to the Wading Bird Pond to the south and to the Dragonfly Pond to the east. Water then flows from the Wading Bird Pond to Wetland Cell 1 and from the Dragonfly Pond to Wetland Cell 2. Both wetland cells discharge to the San Francisco Bay. Components of the proposed permanent freshwater wetland are discussed in greater detail below.

Forebay. Inflow, consisting of storm water during the winter and recycled water during the spring, summer and fall, would first enter a forebay roughly one-half acre in surface area. The forebay acts to capture particulates which commonly have pollutants attached to their surfaces. Since sediments and storm water from Parcel E have been shown to be contaminated, containment of particles in the forebay is an important water treatment goal. The forebay would have fairly steep edges and a deep bottom to inhibit plant growth and the use of the area by wildlife. The forebay would include an access ramp to facilitate removal of sediments as needed. The forebay would also act to slow inflowing storm water and to distribute water to the two treatment trains, one to the east of the forebay and the other to the south of the forebay.

The forebay inlet structure should be designed to divert extreme flows events away from the forebay to the existing seasonal wetlands south of the proposed wetland. This would limit the potential for resuspension of sediments in the forebay due to high turbulence, and the possible transport of contaminated sediments out of the forebay and into the pond/wetland system. The inlet structure could also be used to discharge the more polluted “first flush” of the storm water to the forebay, and into the pond/wetland system for additional treatment. Subsequent storm water could be discharged to the seasonal wetlands to enhance water quality and habitat in these wetlands.

Ponds. After the forebay, water flows into two ponds: the Dragonfly pond to the east and the Wading Bird Pond to the south. Each pond would be around three acres in surface area and six feet in depth. The water elevation in the east pond would be held constant. This would permit the growth of aquatic plants and the development of a pond food web which would support insects, thus the name “Dragonfly” Pond. The insects would support various types of insect-eating birds. Water elevation in the Wading Bird Pond would be slowly drawn down then refilled every four to six weeks during the spring through fall. This would expose benthic animals growing in the sediment, thereby facilitating foraging by wading birds.

Both ponds would contain an island with a loafing strip that would provide nesting, refuge and foraging habitat for birds. The islands would also act as berms, splitting the pond into two effective treatment cells, thereby inhibiting short circuiting and promoting water treatment. The ponds would also include a predator trench, roughly 8 feet deep and 20 feet wide, around the submerged circumference of the ponds to prevent land predators from getting into the ponds and onto the islands.

Wetland. Both ponds discharge to a separate wetland cell, each roughly seven acres in surface area. The wetlands would be fairly shallow to allow for the growth of emergent vegetation such as cattail and bulrush. The depth of the wetland would increase near its center to exclude emergent vegetation, and

6.0 WETLAND ALTERNATIVE SELECTION AND CONCEPTUAL DESIGN

this would result in the creation of pools. By incorporating a complex topography into the wetland, various depth zones will be created, thereby maximizing plant diversity, wildlife habitat, and pollutant removal capacity. Berms made of earth or of wood could be installed under or as part of the structure of the boardwalks that cross each of the wetland cells. This would split the wetlands into two effective treatment cells, thereby inhibiting short circuiting and promoting water treatment.

The wetland should include native aquatic plant selections that will provide a wide range of habitat and food resources for wildlife. Plant selection can also be based on desired effluent qualities if the wetland is a treatment wetland. In addition, local climate (Dawson, 1989) and hydroperiod (Zimmerman, 1988) should be considered during plant selection. Appendix G includes a list of native plant species available for inclusion in a detailed wetland design.

Hydraulic Connections. Hydraulic connections will be installed between treatment cells, and under typical operation water will flow from the forebay to the two ponds, then from each of the ponds to the subsequent wetland cell. In addition to these standard connections, there are additional connections that would be closed under standard operating conditions, but would provide wetland managers with operational flexibility in moving water around the system during times of emergency or maintenance. For example, there are proposed hydraulic connections between the two ponds, between the Dragonfly Pond and Wetland Cell 1, and between the two wetland cells near the outlet to the Bay.

Public Access. Public recreation and utilization of the wetland is a primary goal of the project, thus public access is an important component of wetland design. Figure 6-2 includes a number of public access features. The public would access the wetland via a single entrance point located on the levee between the Dragonfly Pond and Wetland Cell 2. Boardwalks would be included along most of the levees between the ponds and wetland cells, and would also extend into the wetlands themselves. A number of observation decks with informational kiosks could also be included along the boardwalks. The boardwalks and observation desks would provide an ideal vantage point from which to unobtrusively observe wetland plants and wildlife.

A wetland center near the public entrance to the wetland could be used to educate the public concerning the importance of wetland ecosystems. Office space should also be provided for volunteers to monitor and quantify bird use of the wetland, an important parameter in evaluating the success of the wetland system. In addition, a blind, a viewing area camouflaged to birds and wildlife, could be attached to the wetland side of the wetland center to allow for supervised, all-weather viewing of wetland biota.

6.4 Construction and Operation and Maintenance Costs

Unit costs for wetland construction range from \$40,000 per acre for a wetland of moderate complexity, to \$75,000 per acre for a wetland of higher complexity (*e.g.*, bottom liner, planting of specified species) (Kadlec and Knight, 1996). At Hunters Point, there should be savings associated with earth moving, since it is assumed that the landfill would be removed. It is expected, however, that a liner composed of synthetic material (Appendix H) or of low permeability soils, perhaps reused from the current landfill cap, would be needed to isolate the wetland from potentially contaminated groundwater. Based on these assumptions, an estimated unit cost for the Hunters Point Wetland is around \$50,000. Assuming a 20 acre wetland, total construction costs are estimated at \$1 million. In comparison, the 38 acre Arcata, California, wastewater treatment wetland

6.0 WETLAND ALTERNATIVE SELECTION AND CONCEPTUAL DESIGN

cost around \$1 million to construct (\$24,500 per acre), while the 24 acre Gustine, California, wastewater treatment wetland cost \$1.6 million to construct (\$66,700 per acre). All costs noted here are in 2003 dollars.

The construction costs cited above include clearing brush, erosion control, excavation, staking and grading, and planting. After the development of a conceptual wetland design and buy-in from local stakeholders, design and permitting costs are typically around 10% of construction costs; a final design/permitting fee should be around \$100,000.

Various sources cite operation and maintenance (O&M) costs of \$600 per acre for a "median" wetland, 2% of construction costs, or \$5,000 to \$50,000 (Kadlec and Knight 1996; U.S. EPA, 1999). O&M costs include pumping energy, basic compliance monitoring, dike maintenance, equipment replacement/repair, boardwalk and signage maintenance, and nuisance control (e.g., mosquitoes, gophers, bottom fish). The \$600 per acre factor would yield \$12,000 per year, while the 2% factor would yield \$20,000. Note that more sophisticated compliance monitoring or study costs could add up rapidly. Due to the contaminated nature of the stormwater and the wetland site, water and sediment monitoring costs could result in much higher annual costs. It is recommended that cost estimates assume a \$20,000 per year value, plus an additional \$20,000 for water and sediment monitoring. This yields a net annual O&M cost of \$40,000 per year as a rough O&M estimate.

Note that the estimated O&M costs for the wetland, around \$40,000 per year, are far below the current O&M costs associated with management of the industrial landfill. Current O&M activities include pumping and maintenance associated with the sheet pile groundwater extraction system on the southeast border of the landfill, pumping and maintenance associated with the gas extraction and treatment system on the north border of the landfill, and watering and mowing of 16 acre landfill cap. While we have not seen precise cost estimates for these ongoing activities, they likely exceed \$400,000 per year. Additional construction and O&M costs will be incurred if a subsequent vertical barrier is installed along the northern edge of the landfill. If the landfill was removed and a wetland was constructed in its place, total annual operating costs would decrease substantially, while recreational options, wildlife habitat, and water quality of waters discharged to the Bay would increase.

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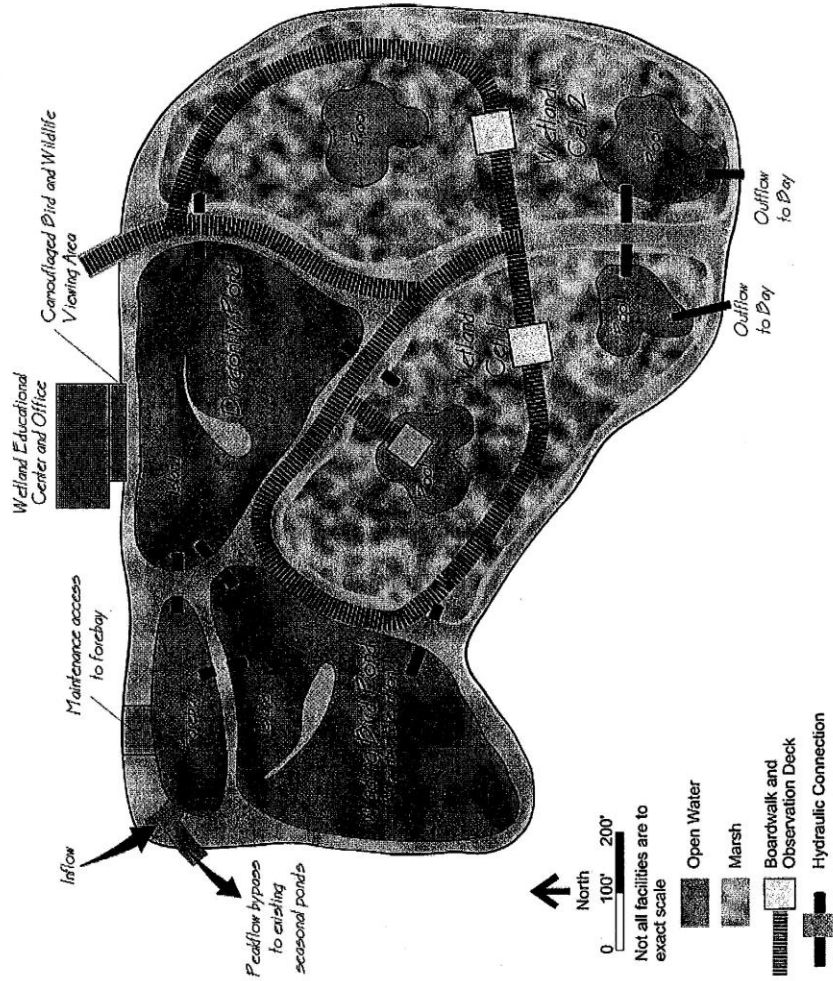


Figure 6-2. Conceptual Design of Permanent Freshwater Wetland at Hunters Point

7.0 CONCLUSIONS AND RECOMMENDATIONS

This section provides a number of conclusions based on this study, and some specific recommendations regarding implementation of a storm water wetland in Parcel E of the Hunters Point shipyard.

Conclusions

- The development of new wetlands in Parcel E will comply with several of the guidelines set forth in the Hunters Point Shipyard Citizen's Advisory Committee redevelopment plan, including: a balance between development and environmental conservation by providing wildlife habitat, integration of land uses by expanding open space, and improved public access by promoting recreational opportunities at a natural wetland area.
- Surface water and sediment data indicate that runoff and soils from Parcel E are high in contaminants and may result in deleterious impacts to water quality in San Francisco Bay. A properly constructed and operated wetland could result in an improvement in water quality in the San Francisco Bay by capturing and treating pollutants and sediment in storm water before they reach the Bay.
- Several issues exist related to the ability of the industrial landfill to contain waste and not function as a source of continued contamination to the San Francisco Bay and adjacent parcels at Hunters Point. These issues include the lateral and vertical extent of the landfill, the potential for liquefaction, and the construction and/or extent of the landfill cap. Many of the issues and uncertainties would be ameliorated if the landfill was removed and replaced with a wetland.
- A permanent freshwater wetland system was determined to be the preferred alternative for Parcel E at Hunters Point because it is the only alternative that meets the multiple project objectives: providing high-quality year-round recreational opportunities to the community; providing optimal year-round habitat for a range of resident and migratory populations of birds and other wildlife; and providing a year-round mechanism for improving storm water prior to discharge to the Bay.
- The conceptual design presented in this report includes a series/parallel configuration in which water passes through two parallel systems that consist of multiple cells in series. The wetland includes a forebay/pond/wetland treatment train which provides a wide range of treatment capabilities and wildlife habitats.
- Wetlands can be designed and maintained to keep mosquito populations to a minimum by eliminating hydraulically static areas, controlling water level, disturbing water surface to drown larvae, minimizing anaerobic zones, and creating access for natural mosquito predators.
- Assuming construction of a 20 acre wetland, total construction costs are estimated at \$1 million in 2003 dollars. The net annual O&M cost is estimated at \$40,000 per year. This estimated O&M cost is far below the current O&M costs associated with management of the industrial landfill, which likely exceed \$400,000 per year.

7.0 CONSLUSIONS AND RECOMMENDATIONS

Recommendations

- Remediation of the site should take into consideration the concerns and needs of the community living in and around the shipyard, with a focus on potential health effects associated with the location of an industrial landfill in their community, and return of the site to full use and accessibility by the public. Community input at all phases of the design and construction of a wetland should be solicited.
- Storm water and direct precipitation are adequate to keep the proposed wetland full from November through March. Make-up water is needed from April through October when evaporation is high and inflow is low. The total amount of make-up water required over the year is 46 acre-feet or 15 million gallons. The most suitable source of make-up water is recycled water from a satellite wastewater treatment plant proposed for the Hunters Point shipyard.
- A liner system should be installed between the wetland bottom and the existing soils on the site in order to isolate the wetland from contaminated ground water and soils. This liner may be constructed of clay or may utilize more sophisticated manufacture liners.
- A wetland sited on Parcel E could potentially receive contaminated storm water. This point should be considered in the design and operation of any wetland at the site since the wetland will be heavily used by wildlife, and the risk of contamination of wildlife must be minimized. Since many contaminants are attached to particles, a forebay with easy drainage and access capabilities should be included in any wetland design to capture, trap and remove sediment, and keep the sediment from entering the wetland.
- To save money and ease construction, clean soils already on site, including the landfill cover, should be used to fill in the excavated landfill after removal of the waste and to construct a liner to protect the wetland from underlying groundwater and soils.

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APPENDIX A
SUMMARY OF PUBLIC COMMENTS AND ISSUES RESULTING
FROM THE JUNE 24, 2004 PUBLIC MEETING

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**Summary of Public Comment and Issues Resulting
from June 24, 2004 Public Meeting**

Following a presentation on the conceptual design for a constructed wetland on the site of the existing industrial landfill at Parcel E of the Hunters Point shipyard, the floor was opened for comments by the members of the public and the community. Following are comments, concerns and requests made at that time by three community members.

Olin Webb. Olin is a member of the Bay View Community Advocates group. He described his participation in a 2-week long class on watersheds, which he took so he could understand what was happening at the shipyard. He expressed his concern about the loss of fishing and shrimping along the shores of the shipyard, recalling earlier times when he and members of his community had access to the shoreline and fishing was a part of the community. He is also concerned about the capping of the landfill, and of the lack of protection for the people and the watershed.

Oscar James. Oscar spoke quite eloquently about what is and is not happening at Hunters Point. He wants to see all toxics removed from the area. He wants the shrimp and crabs to return to the waters adjacent to the site. He wants money provided to help send community kids to college so they can come back to the neighborhood and help clean it up. He approved of the involvement of high school students in the water quality work at Yosemite Slough, and would like to see more activities of the type. Oscar spoke of all the money spent so far at Hunters Point, and of how he sees no benefit to the community as of yet. He says all that money spent has not helped anyone in the community, and he wants it to.

Tyrone Honory. Tyrone recalled fishing at the shipyard when he was 12 years old, and he is now in his 50s. He wants to be able to fish again. He wants all the polluting that is going on to stop now.

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APPENDIX B
SUMMARY OF MEETINGS FOR THE HUNTERS POINT
STORM WATER WETLAND PROJECT

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Summary of meetings for Hunters Point Storm Water Wetland Project

Date of meeting: March 11, 2003	Individuals Present: Arthur Feinstein, Marc Beutel, Rhea Williamson
Meeting Summary: Review of project goals and tasks. Discussion of data needs; identification of individual responsibilities: Copies of documents on constructed wetlands were distributed. Information was discussed on additional work (60 to 90% design), reports on Hunters Point were reviewed.	
Date of meeting: March 18, 2003	Individuals Present: Rashmi Kashyap, Divya Ramachandra, Nohemy Revilla, and Rhea L. Williamson
Meeting Summary: Task assignments and paperwork for initiating the project were discussed. An initial web-based search was initiated to begin identifying sites to collect data from. Data sheets were discussed related to project documentation; these include phone log forms, work completion forms, and a data identification spreadsheet.	
Date of meeting: April 10, 2003	Individuals Present: Arthur Feinstein, Saul Bloom, Steven Krefting, Jeff Marmer, Marc Beutel and Rhea L. Williamson
Meeting Summary: Saul Bloom provided a detailed overview of the Hunters Point project, with discussion of the involvement of the numerous players, including the Public Utilities Commission (PUC), Lenare Developers, the Technical Review Committee (comprised of Gearhart, Josslyn, Tchobanoglous, Jenkins, and Allen) and others. The Redevelopment Plan of 1997 was summarized, as was involvement by the City of San Francisco, the SF airport, the Navy and others. The expected cleanup levels were discussed (practical and per level of use) as were the need for community based cleanup levels. The landfill was discussed with respect to the fire, the RCRA compliant cap, and potential problems with the landfill.	
Date of meeting: April 24, 2003	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Wilfredo Hoffer, Rashmi Kashyap, Nohemy Revilla, and Divya Ramachandra
Meeting Summary: 1) determine lead individuals on various tasks and subtasks (see below), 2) go over data collected to date, and 3) set some deadlines with respect to the schedule (not finalized).	
Date of meeting: May 12, 2003	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Wilfredo Hoffer, Rashmi Kashyap, Nohemy Revilla, and Divya Ramachandra
Meeting Summary: 1) verify leads individuals on the various tasks and subtasks, 2) go over data collected to date, and 3) set some deadlines with respect to the schedule.	
Date of meeting: June 18, 2003	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, Nohemy Revilla, Divya Ramachandra and Marc Beutel.
Meeting Summary: 1) acquaint Marc and student workers, 2) go over data collected to date, 3) strategize on specific aspects of data collection and 4) set schedule deadlines.	
Date of meeting: July 16, 2003	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, Divya Ramachandra and Marc Beutel.
Meeting Summary: 1) Discussion of data needs (prepare precipitation plots, determine watershed area, schedule site visit, review Title 27 of CCR, determine runoff as a function of land use in the watershed), 2) identification of individual responsibilities, 3) copies of several documents were distributed including tables of Hunters Point water quality data, the final storm water discharge management plan, Parcel E wetlands delineation and function and values assessment document, SJSU draft report on HP, and 17 case studies on constructed wetlands, 4) set deadlines for the annotated outline and the compilation of data and information collected to date.	

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Summary of meetings for Hunters Point Storm Water Wetland Project (continued)

Date of meeting: August 05, 2003	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, and Divya Ramachandra
Meeting Summary: 1) discussion of landfill area (14.8 acres of the total landfill area (20 acres?) is capped with an interim design, 2) brainstorm of reasons for landfill removal (source of contaminants to SF Bay, cap does not cover entire landfill, cap is not RCRA approved, problems with spontaneous combustion, aesthetics, and etc., 3) Rhea will contact Kevin Bricknell or Mike Wanta of Tetra Tech in San Diego at 619-525-7188.	
Date of meeting: August 13, 2003	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, Divya Ramachandra and Marc Beutel.
Meeting Summary: 1) discussion of data needs (preliminary outline of document, background cleanup levels, info on Parcel E and F), 2) distribution of several documents, 3) review of initial annotated outline, and 4) summary of the compilation of data and information collected to date.	
Date of meeting: August 27, 2003	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, Divya Ramachandra and Marc Beutel.
Meeting Summary: 1) discussion of data collected to date, 2) distribution of several documents, 3) review of preliminary document outline, and 4) summary of the compilation of data and information collected to date. Deadlines were set for several sections of the report. After Marc left, discussion followed on presentation in the SJSU Graduate Studies and Research Showcase of Excellence forum and on presenting at the CWEA Annual Conference.	
Date of meetings: September 10, 17, and 23 of 2003	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, and Divya Ramachandra
Meeting Summary: 1) discussion of data needs, 2) summary of the compilation of data and information collected to date, and 3) answer questions.	
Date of meeting: September 25, 2003	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, and Divya Ramachandra from San Jose State University, Marc Beutel from Brown and Caldwell, Amy Brownell from the City of San Francisco Department of Public Health, Lucinda Rose of Tetra Tech, Wayne Akiyama of Shaw Environmental, and Patrick Brooks, who represented the US Navy
Meeting Summary: 1) site visit of the Hunters Point shipyard, Parcel E. Areas visited include the wetland areas, landfill, and drainage areas. Following the site visit, the project team (SJSU members and Marc Beutel) met to 1) discuss data collected to date, 2) review the deadlines previously set, and 3) go over the draft report that is in progress.	
Date of meeting: September 30, 2003	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, and Divya Ramachandra
Meeting Summary: 1) met to discuss presentation of the Hunters Point Project at the San Jose State University Showcase of Excellence in Research. Poster tasks and assignments were made.	

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Summary of meetings for Hunters Point Storm Water Wetland Project (continued)

Dates of meetings: October 8, 22, 27, and 8 of 2003	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, and Divya Ramachandra
Meeting Summary: 1) discussion of report progress, 2) data needs, 3) poster preparation for the Showcase, 4) draft submittal reviews, 5) schedule of future tasks, and 6) other project related issues	
Date of meeting: October 29, 2003	Individuals Present: Rhea L. Williamson and Marc Beutel
Meeting Summary: 1) The draft report was evaluated for completed sections, sections in need of additional information and areas of focus. The wetland design section was discussed with respect to the water balance (inflows and losses), wetland site characteristics, need for a forebay, potential reuse of cap materials for the wetland base, and design goals. In the latter, the importance considering wildlife habitat options that select for preferred species (<i>i.e.</i> , minimize geese/unwanted vegetation types), vector minimization, operational flexibility, community support, public access options, and stormwater transport of sediments and/or contaminants were discussed.	
Date of meeting: November 4, 18, and 25 of 2003	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, and Divya Ramachandra
Meeting Summary: 1) discussion of report progress, 2) data needs, 3) poster preparation for the Showcase, 4) draft submittal reviews, and 5) schedule of future tasks.	
Date of meeting: December 18, and 22 of 2003	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, and/or Divya Ramachandra. Meetings were with individuals due to schedule changes and conflicts related to the end of the semester.
Meeting Summary: 1) discussion of report progress, 2) data needs, 3) draft submittal reviews, 5) schedule of future tasks, and 5) other project related issues	
Date of meeting: January 14, 2004	Individuals Present: Rhea L. Williamson and Wendy Jo Kroll.
Meeting Summary: 1) discussion of wetland objectives and design criteria, 2) review of data sources available.	
Date of meeting: January 19, 2004	Individuals Present: Rhea L. Williamson and Divya Ramachandra.
Meeting Summary: 1) discussion of report progress with a focus on water quality needs.	
Date of meeting: January 20, 2004	Individuals Present: Rhea L. Williamson and Marc Beutel.
Meeting Summary: 1) discussion of report progress with a focus on wetland design criteria.	

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Summary of meetings for Hunters Point Storm Water Wetland Project (continued)

Date of meeting: January 20, 2004	Individuals Present: Rhea L. Williamson, Marc Beutel, Arthur Feinstein, Jeff Marmer, Jack Lendvay.
Meeting Summary: 1) discussion of project progress with an overview of site characteristics, water quality, the water balance, need for an alternative water supply, and wetland design criteria. Wetland design focused on the concepts of a forebay, landfill cap soil reuse, need for a liner, and vector issues. 2) discussion of where we need to go focused on community involvement, wetland scenario schematics, and confirmation of the availability of an alternate water supply.	
Date of meeting: January 26 of 2004	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, and Divya Ramachandra.
Meeting Summary: 1) discussion of report progress, 2) sorting of reference materials related to wetlands into categories of design, performance, criteria, problem solving and others.	
Date of meeting: February 9 of 2004	Individuals Present: Rhea L. Williamson and Wendy Jo Kroll.
Meeting Summary: 1) writing of summary information related to conceptual wetland design.	
Date of meeting: February 16 of 2004	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, and Divya Ramachandra.
Meeting Summary: 1) discussion of report progress, 2) delegation of tasks on liner, and liquefaction issues, and 3) writing of summary information on conceptual wetland design.	
Date of meeting: February 24 of 2004	Individuals Present: Rhea L. Williamson and Wendy Jo Kroll.
Meeting Summary: 1) writing of summary information related to conceptual wetland design.	
Date of meeting: March 8 of 2004	Individuals Present: Rhea L. Williamson and Wendy Jo Kroll.
Meeting Summary: 1) writing of summary information related to conceptual wetland design.	
Date of meeting: March 20 of 2004	Individuals Present: Rhea L. Williamson and Rashmi Kashyap.
Meeting Summary: 1) writing/editing of conceptual wetland design section.	
Date of meeting: March 22 of 2004	Individuals Present: Rhea L. Williamson and Wendy Jo Kroll.
Meeting Summary: 1) writing of summary information related to conceptual wetland design.	
Date of meeting: March 31 of 2004	Individuals Present: Rhea L. Williamson and Wendy Jo Kroll.
Meeting Summary: 1) writing/editing of conceptual wetland design section.	
Date of meeting: April 12 of 2004	Individuals Present: Rhea L. Williamson and Marc Beutel.
Meeting Summary: 1) discussion of conceptual wetland design, draft report.	

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Summary of meetings for Hunters Point Storm Water Wetland Project (continued)

Date of meeting: April 13 of 2004	Individuals Present: Rhea L. Williamson and Wendy Jo Kroll.
Meeting Summary: 1) writing of summary information related to conceptual wetland design.	
Date of meeting: April 15 of 2004	Individuals Present: Rhea L. Williamson and Marc Beutel.
Meeting Summary: 1) discussion of conceptual wetland design, review of draft figures, overview of draft report.	
Date of meeting: April 17 of 2004	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, and Divya Ramachandra.
Meeting Summary: 1) preparation of PowerPoint presentation on Hunters Point for CWEA conference and for community public forum.	
Date of meeting: April 21 of 2004	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, and Divya Ramachandra..
Meeting Summary: 1) preparation of PowerPoint presentation on Hunters Point for CWEA conference and for community public forum.	
Date of meeting: April 28 of 2004	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, and Divya Ramachandra..
Meeting Summary: 1) PowerPoint presentation on Hunters Point at CWEA conference.	
Date of meeting: June 9 of 2004	Individuals Present: Rhea L. Williamson and Wendy Jo Kroll.
Meeting Summary: 1) Review of community outreach information.	
Date of meeting: June 15 of 2004	Individuals Present: Rhea L. Williamson and Wendy Jo Kroll.
Meeting Summary: 1) review of community outreach information; preparation of presentation materials and poster for the public meeting.	
Date of meeting: June 15 of 2004	Individuals Present: Rhea L. Williamson, Wendy Jo Kroll, Rashmi Kashyap, and Divya Ramachandra..
Meeting Summary: 1) review of final report needs, reference citations, information for the public forum.	

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APPENDIX C
DOCUMENTS AND DATA REVIEWED FOR THE HUNTERS POINT
STORM WATER WETLAND PROJECT

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Documents and data reviewed for the Hunters Point Storm Water Wetland Project

DATE	DESCRIPTION OF DOCUMENT/DATA
03/18/03	USEPA/ Region 9/ Superfund/ web-based document on the Hunters Point Naval shipyard including a site description, history, threats and contaminants, cleanup approach, environmental progress, responsible parties, documents and reports, repositories, contacts and other pertinent information.
04/09/03	http://www.efdswnavfac.navy.mil/06/indexHP.htm . links to several other documents.
04/10/03	USEPA. 1999. Storm Water Technology Fact Sheet. Storm Water Wetlands. EPA 832-F-99-025. Office of Water. Washington D.C.
04/17/03	http://www.sfgov.org/site/sfra_page.asp?id=5588 . Report from SF Redevelopment Agency.
04/17/03	http://www.hunterspointshipyard.com .
04/28/03	http://www.swrcb.ca.gov/rwqcb2/download/watershedmiipc.doc San Francisco Bay Regional Water Quality Control Board: Watershed Management Initiative Integrated Plan chapter
04/28/03	http://www.efdswnavfac.navy.mil/06/HPS_E/Iandfill_Gas/index.htm#weekly_activities Parcel E: Landfill Gas Removal Action. Extraction Monitoring Meteorological data
04/28/03	Historical Radiological Assessment Volume 2: Use of general radiological materials (634 pages) March 2002 http://www.efdswnavfac.navy.mil/Environmental/pdf/HP/Draft_HRA.pdf
04/28/03	Historical Radiological Assessment Appendix B http://www.efdswnavfac.navy.mil/Environmental/Pages/hpHRA_appendixB.htm
04/28/03	http://www.efdswnavfac.navy.mil/Environmental/HuntersPoint.htm . main page for several good links. Includes the Hunters Point Shipyard Environmental Cleanup Newsletter. Oct-Dec. 2001. Provides a chronological description of site activities.
05/23/03	Site Cleanup - Site Mitigation and Brownfields Reuse Program Database. http://www.dtsc.ca.gov/database/Calsites/CALP001.CFM?IDNUM=38440005 . Retrieved on 5/24/03
05/23/03	http://sfwater.org/detail.cfm/MSC_ID/73/MTO_ID/111/MC_ID/7/C_ID/1416/holdSession/1 ---Photos and history of land use
05/23/03	Hunters Point Shipyard Decentralized Wastewater Treatment Study & Meetings 04- 07-2003. http://sfwater.org/detail.cfm/MSC_ID/73/MTO_ID/111/MC_ID/7/C_ID/1416/holdSession/1 retrieved on 5/24/03
05/23/03	http://www.fas.org/man/company/shipyard/hunters_point.htm Military analysis network – has good figures of exact location on a map and also figures of each parcel along with the site numbers.
05/23/03	http://storm-water.com/Newsletters/1996/May96.PDF --- storm water news letter (page 4)
05/24/03	http://www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm?county=38 --- has good links which gives info about the list of actions taken in each parcel.
05/24/03	http://www.dtsc.ca.gov/database/Calsites/CALP001.CFM?IDNUM=38440005 -- detailed information on the actions taken on parcel E.
05/26/03	http://www.atsdr.cdc.gov/HAC/PHA/treasure/tre_toc.html Gives very good information about the public health assessment with exposure dose and contaminants and lot more.
06/09/03	http://www.electmarie.freesevers.com/fire.html Lot of information about the contaminants in the soil, air. Links to several other related sites. Excellent recent photos of parcel E.
06/09/03	http://www.ujamaa.freesevers.com/MAP.HTM Earthquake amplification map
06/09/03	http://www.electmarie.freesevers.com/Arc_Ecology.htm Results of water, soil, and air samples
06/12/03	http://www.epa.gov/superfund/new/white.pdf Modeling to Evaluate Fate and Transport of Sediment-Bound Contaminants at Hunters Point shipyard

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Documents and data reviewed for the Hunters Point Storm Water Wetland Project
(continued)

DATE	DESCRIPTION OF DOCUMENT/DATA
06/16/03	http://www.swrcb.ca.gov/bptcp/docs/complnv2.doc look at the ref (pg 119)
06/18/03	Reed, S., Crites, R. & Middlebrooks, E. (1995) <u>Natural Systems for Waste Management and Treatment</u> (2 nd ed.). New York:McGraw-Hill.
06/18/03	Hammer, D. (1992). <u>Creating Freshwater Wetlands</u> . Michigan: Lewis Publishers.
06/18/03	<u>Wetlands Engineering & River Restoration</u> . (2001). ASCE Conference Proceedings. Software.
06/18/03	East Bay Regional Park District. (1983). <u>Final Hayward Marsh Expansion Management Plan. Management Plan</u> for second phase development of wetland adjacent to San Francisco Bay.
06/23/03	www.terraserwer.microsoft.com topographical map access
06/23/03	http://quake.wr.usgs.gov/research/seismology/wg02/ summary earthquake probability map for SF Bay area.
06/23/03	http://www.wrhn.noaa.gov/Monterey/climate.html rainfall data (7 yrs for SF airport)
06/23/03	http://www.wrcc.dri.edu/summary/climsmsfo.html very good link for climate summary at various station points in SF Bay area.
06/23/03	http://www.wrcc.dri.edu/htmlfiles/westevap.final.html . good link for evaporation rate at various station points in SF Bay area.
07/16/03	http://www.atsdr.cdc.gov/HAC/PHA/treasure/tre_p2.html . lists stormwater contaminants of concern.
07/16/03	http://efdswnavfac.navy.mil/06HPS-E/investigation/PDF/draft_landfill_gas_report.final.V2.pdf . provides information on landfill gas, recommended clay liner (?).
09/22/03	U.S. Department of Navy responses to agency comments on the Draft Storm Water Discharge Management Plan IR-01/21, Industrial Landfill, Parcel E, Hunters Point Shipyard, San Francisco, California of January 07, 2003. AECRU Contract No. N68711-00-D-0005. Prepared for the U.S. Department of Navy. Prepared by Tetra Tech EM Inc.
09/22/03	Final Storm Water Discharge Management Plan IR-01/21, Industrial Landfill, Parcel E, Hunters Point Shipyard, San Francisco, California. June 12, 2003. AECRU Contract No. N68711-00-D-0005. Prepared for the U.S. Department of Navy. Prepared by Tetra Tech EM Inc.
09/22/03	Draft Parcel E Nonstandard Data Gaps Investigation: Wetlands Delineation and Functions and Values Assessment: Parcels B and E, Hunters Point Shipyard, San Francisco, California. June 12, 2003. AECRU Contract No. N68711-00-D-0005. Prepared for the U.S. Department of Navy. Prepared by Tetra Tech EM Inc.
09/22/03	U.S. EPA Constructed Wetlands for Wastewater Treatment and Wildlife Habitat: 17 Case Studies. EPA832-R-93-005. September, 1993.
09/22/03	Draft Parcel E Nonstandard Data Gaps Investigation: Landfill Lateral Extent Evaluation. Hunters Point Shipyard, San Francisco, California. June 12, 2003. AECRU Contract No. N68711-00-D-0005. Prepared for the U.S. Department of Navy. Prepared by Tetra Tech EM Inc.
01/19/04	Draft Community Relations Plan. Hunters Point Shipyard, San Francisco, California. June 6, 2003. Prepared for the U.S. Department of Navy. Prepared by Innovative Technical Solutions, Inc.
01/19/04	Final First Five Year Review of Remedial Actions Implemented at Hunters Point Shipyard, San Francisco, California. December 10, 2003. Prepared by the Department of Navy.
02/15/04	Draft Hunters Point Shipyard Parcel F Validation Study. April 25, 2002. Prepared by the Department of Navy.
02/15/04	Draft Sampling and Analysis Plan (Field Sampling Plan and Quality Assurance Project Plan). Basewide Groundwater Monitoring Program. Hunters Point Shipyard, San Francisco, California. December 18, 2003. Prepared for the U.S. Department of Navy. Prepared by Tetra Tech EM, Inc.

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APPENDIX D

**LIST OF AGENCY CONTACTS MADE FOR THE HUNTERS POINT
CONSTRUCTION STORM WATER WETLAND PROJECT**

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List of agency contacts made for the Hunters Point Constructed Storm Water Wetland Project

Name/Agency	Phone/Email	Date/ (Initials)	Contact Summary
Tom Murnley /RWQCB-SFB	510-622-2395	09/16/03 (WJK)	Referred to Andre Breaux at 510-622-2324. Left her a message.
Julie Menack /SWQCB		07/30/03 (RKS)	Spoke to her about the HPS. Some important points noted were: 1) RI/FS for parcel E has not been done yet. Only the preliminary report is available, 2) Interim capping done on the landfill has not yet been approved, and 3) A complete study on soil quality has not been done yet. A report on soil quality is expected by the end of summer.
James Collins/ OEHHA	510-622-3146 jcollins@oehha.ca.gov	06/17/03 (RKS)	Provided us with all the contact information we needed; sent mails to agencies to help us.
Kathy Camarda /USEPA		07/30/03 (RKS)	Spoke to her about the availability of most recent files on HPS. Got a list of files about parcel E. A request for some of those files has been placed. No reply has been received yet.
Jackie Lane /USEPA	Lane.jackie@epa.gov	07/30/03 (RKS)	Requested information about the community around HPS. Received some contact information and came to know more about the agencies involved with HPS. Received some useful web sites with very good information on HPS.
Keith Forman/ U.S. Navy	(619)532-0913 formanks@efds.w.navy.mil	07/30/03 (RKS)	Discussed some points about HPS; Has been in contact through e-mail and phone; Got information about a few files available at San Francisco repository; He has offered to come down and meet with us if necessary at the final stages of the project.
Chien Kao/DTSC	(510)540-822 CKao@dtsc.ca.gov	07/30/03 (RKS)	Has been in contact through e-mail and phone. Helped in understanding some points about HPS.
Jim Polisini/DTSC	Jpolisin@dtsc.ca.gov	07/30/03 (RKS)	Has been in contact through e-mail; asked us to get a copy of the Parcel F Validation study; draw your own conclusions regarding the isopleths of PCBs in sediment off the landfill in the South Basin; also said that there is a clear trend of decreasing PCB sediment concentration with increasing distance from the landfill.

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List of agency contacts made for the Hunters Point Constructed Storm Water Wetland Project (continued)

Name / Agency	Phone / Email	Date / (Initials)	Contact Summary
Michael Work/ USEPA	(415)972-3024 work.michael@epa.gov	07/30/03 (RK)	Has been in contact through e-mail and phone. Gave some pointers about looking for files; Offered to help in whatever way he can.
Kathy Camarda/ USEPA (Superfund Records Center)	(415) 536-2000 camarda.kathy@epa.gov	07/30/03 (RK)	Spoke to her about the availability of most recent files on HPS. Got a list of files about parcel E. A request for some of those files has been placed. Copies of requested files were provided to us.
Julie Menack /SWQCB	(510)622-2401 jmen@b2.swrcb.ca.gov	07/15/03 10/17/03 11/03 (RK)	Requested an update about the background levels of COCs in soils at Hunters Point. RI/FS for parcel E has not been done yet. Only preliminary report is available; Interim capping done on the landfill has not yet been approved; No complete study on soil quality has been done yet. A report on soil quality is expected by the end of summer. The only soil data available is for the shoreline characteristics; No report yet on soil quality. The one that was due by the end of summer has been delayed; Should look forward to the Technical Memorandum of soil quality which might be available by the end of October; RI report on HPS (1993) may contain some background characteristics; No soil test has been done after the RI report.
Karen Taberski /RWQCB	kmt@b2.swrcb.ca.gov	01/19/04 (RLW)	Requested for pointers, to find the storm water runoff quality for San Francisco region.
Tom Gallivan / Stevens Geomembrane	800-621-2281	01/ 29/04 (DR)	Requested geomembrane samples.
Misty/ Water Saver	303-289-1818	01/30/04 (DR)	Requested liner samples
Andre Breaux/ RWQCB-Oakland		(WJK)	Sending information on wetland regulatory issues
Ginger Mitcham/ Gundle Lining Sys.	800-435-2008	01/30/04 (DR)	Requested liner samples

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APPENDIX E

VALUES OF RUNOFF COEFFICIENT (C) FOR RATIONAL FORMULA

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Values of Runoff Coefficient (C) for Rational Formula
<http://water.me.vccs.edu/courses/CIV246/table2.htm>

Land Use	C	Land Use	C
Business: Downtown areas Neighborhood areas	0.70 - 0.95 0.50 - 0.70	Lawns:	0.05 - 0.10
		Sandy soil, flat, 2%	0.10 - 0.15
		Sandy soil, avg., 2-7%	0.15 - 0.20
		Sandy soil, steep, 7%	0.13 - 0.17
		Heavy soil, flat, 2%	0.18 - 0.22
		Heavy soil, avg., 2-7%	0.25 - 0.35
Residential: Single-family areas Multi units, detached Multi units, attached Suburban	0.30 - 0.50 0.40 - 0.60 0.60 - 0.75 0.25 - 0.40	Agricultural land:	0.30 - 0.60
		Bare packed soil	0.20 - 0.50
		*Smooth	
		*Rough	0.30 - 0.60
		Cultivated rows	0.20 - 0.50
		*Heavy soil, no crop	0.20 - 0.40
		*Heavy soil, with crop	0.10 - 0.25
		*Sandy soil, no crop	
		*Sandy soil, with crop	0.15 - 0.45
		Pasture	0.05 - 0.25
*Heavy soil	0.05 - 0.25		
*Sandy soil			
Woodlands			
Industrial: Light areas Heavy areas	0.50 - 0.80 0.60 - 0.90	Streets:	
		Asphalt	0.70 - 0.95
		Concrete	0.80 - 0.95
		Brick	0.70 - 0.85
Parks, cemeteries	0.10 - 0.25	Unimproved areas	0.10 - 0.30
Playgrounds	0.20 - 0.35	Drives and walks	0.75 - 0.85
Railroad yard areas	0.20 - 0.40	Roofs	0.75 - 0.95

***Note:** The designer must use judgment to select the appropriate "C" value within the range. Generally, larger areas with permeable soils, flat slopes and dense vegetation should have the lowest "C" values. Smaller areas with dense soils, moderate to steep slopes, and sparse vegetation should assigned the highest "C" values.

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APPENDIX F
WATER NEEDS FOR THE HUNTERS POINT STORM
WATER WETLAND PROJECT

Water Needs for the Hunters Point Storm Water Wetland Project - Average Year

Month	Precipitation ¹ (in/mo)	Evaporation ² (in/mo)	Inflow		Outflow		Net Inflow (acre-feet)	Required Make-up Water (acre-feet)
			Direct Precipitation ³ (acre-feet)	Runoff ⁴ (acre-feet)	Evaporation ³ (acre-feet)			
January	4.50	1.36	7.5	8.7	-2.3		13.9	0.0
February	3.58	1.92	6.0	6.9	-3.2		9.7	0.0
March	2.85	3.04	4.8	5.5	-5.1		5.2	0.0
April	1.37	4.24	2.3	2.6	-7.1		-2.1	2.1
May	0.39	5.12	0.7	0.8	-8.5		-7.1	7.1
June	0.12	5.68	0.2	0.2	-9.5		-9.0	9.0
July	0.02	5.36	0.0	0.0	-8.9		-8.9	8.9
August	0.05	5.28	0.1	0.1	-8.8		-8.6	8.6
September	0.19	4.72	0.3	0.4	-7.9		-7.2	7.2
October	0.94	3.52	1.6	1.8	-5.9		-2.5	2.5
November	2.42	1.92	4.0	4.7	-3.2		5.5	0.0
December	3.57	1.36	6.0	6.9	-2.3		10.6	0.0
Total	20.00	43.52	33.3	38.6	-72.5		-0.6	45.5

Notes

¹Values based on average of precipitation data for SFO from 1948-2003.

Website: <http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?casfoa+sfo>

²Values based on 80 percent of pan evaporation data for SFO estimated from meteorological data using the Penman equation.

Website: <http://www.wrcc.dri.edu/htmlfiles/westevap.final.html>

³Assumes 20 acres of wetland area.

⁴Assumes 38 acres of watershed area (excluding wetlands) with a composite runoff coefficient of 0.61.

Water Needs for the Hunters Point Storm Water Wetland Project - Dry Year

Month	Precipitation ¹ (in/mo)	Evaporation ² (in/mo)	Inflow		Outflow		Net Inflow (acre-feet)	Required Make-up Water (acre-feet)
			Direct Precipitation ³ (acre-feet)	Runoff ⁴ (acre-feet)	Evaporation ³ (acre-feet)			
January	2.36	1.36	3.9	4.6	-2.3		6.2	0.0
February	1.88	1.92	3.1	3.6	-3.2		3.6	0.0
March	1.49	3.04	2.5	2.9	-5.1		0.3	0.0
April	0.72	4.24	1.2	1.4	-7.1		-4.5	4.5
May	0.20	5.12	0.3	0.4	-8.5		-7.8	7.8
June	0.06	5.68	0.1	0.1	-9.5		-9.3	9.3
July	0.01	5.36	0.0	0.0	-8.9		-8.9	8.9
August	0.03	5.28	0.1	0.1	-8.8		-8.7	8.7
September	0.10	4.72	0.2	0.2	-7.9		-7.5	7.5
October	0.49	3.52	0.8	0.9	-5.9		-4.1	4.1
November	1.27	1.92	2.1	2.5	-3.2		1.4	0.0
December	1.87	1.36	3.1	3.6	-2.3		4.5	0.0
Total	10.48	43.52	17.5	20.2	-72.5		-34.8	50.7

Notes

¹10th percentile of annual precipitation data set. This total is spread over the year based on the relative monthly precipitation for the average year (e.g., January has 22.5% of annual precipitation; February has 19.25% of annual precipitation, etc.).
Website: <http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?casfoa+sfo>

²Values based on 80 percent of pan evaporation data for SFO estimated from meteorological data using the Penman equation.
Website: <http://www.wrcc.dri.edu/htmlfiles/westevap.final.html>

³Assumes 20 acres of wetland area.

⁴Assumes 38 acres of watershed area (excluding wetlands) with a composite runoff coefficient of 0.61.

Water Needs for the Hunters Point Storm Water Wetland Project - Wet Year

Month	Precipitation ¹ (in/mo)	Evaporation ² (in/mo)	Inflow		Outflow		Net Inflow (acre-feet)	Required Make-up Water (acre-feet)
			Direct Precipitation (acre-feet)	Runoff ³ (acre-feet)	Evaporation ⁴ (acre-feet)			
January	6.49	1.36	10.8	12.5	-2.3		21.1	0.0
February	5.16	1.92	8.6	10.0	-3.2		15.4	0.0
March	4.11	3.04	6.9	7.9	-5.1		9.7	0.0
April	1.97	4.24	3.3	3.8	-7.1		0.0	0.0
May	0.56	5.12	0.9	1.1	-8.5		-6.5	6.5
June	0.17	5.68	0.3	0.3	-9.5		-8.9	8.9
July	0.03	5.36	0.1	0.1	-8.9		-8.8	8.8
August	0.07	5.28	0.1	0.1	-8.8		-8.5	8.5
September	0.27	4.72	0.5	0.5	-7.9		-6.9	6.9
October	1.36	3.52	2.3	2.6	-5.9		-1.0	1.0
November	3.49	1.92	5.8	6.7	-3.2		9.4	0.0
December	5.15	1.36	8.6	9.9	-2.3		16.3	0.0
Total	28.83	43.52	48.1	55.7	-72.5		31.2	40.6

Notes

¹90th percentile of annual precipitation data set. This total is spread over the year based on the relative monthly precipitation for the average year (e.g., January has 22.5% of annual precipitation; February has 19.25% of annual precipitation, etc.).
Website: <http://www.wrcc.dri.edu/cgi-bin/clifMAIN.pl?castoa+sfo>

²Values based on 80 percent of pan evaporation data for SFO estimated from meteorological data using the Penman equation.
Website: <http://www.wrcc.dri.edu/htmlfiles/westevap.final.html>

³Assumes 20 acres of wetland area.

⁴Assumes 38 acres of watershed area (excluding wetlands) with a composite runoff coefficient of 0.61.

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APPENDIX G
**ASSESSMENT OF WETLAND PLANTS OF THE SAN FRANCISCO BAY AREA IN
RELATION TO ECOLOGICAL MOSQUITOE CONTROL**

From Appendix I of Collins and Resh (1989)

A practical assessment of common plants of palustrine wetlands of the San Francisco Bay Area in relation to ecological mosquito control.

Plant species in this appendix are classified by growth form, according to the scheme of the Tennessee Valley Authority (see list of information sources, p. 85). Each plant species is quantitatively evaluated on a scale of 1 to 5 with regard to each of the following four ecological parameters.

- (1) Intersection Line Value (ILV). This value is high for plants with complex architecture that provide abundant positive menisci during most of the plant growth cycle; moderate for plants that usually provide intermediate amounts of positive menisci or that provide abundant menisci for a short portion of the plant growth cycle; low for plants that provide negative menisci or that have simple architecture that provides scarce positive menisci.
- (2) Crayfish Food Value (CFV). This value is low for plants that are usually accessible and preferable as food for mature crayfish; moderate for plants that are seasonally not accessible or that are not preferred as food; high for plants that are not palatable or that are usually not accessible.
- (3) Waterfowl Food Value (WFV). This value is low for plants that are entirely palatable and that are preferred as food by dabbling ducks and geese; moderate for plants that are palatable in part or that are not preferred as food; high for plants that are either not palatable or that do not usually occur where waterfowl are abundant.
- (4) Fish Obstruction Value (FOV). This value is high for plants that provide abundant positive menisci and that restrict dispersal and predation by insectivorous fish at the water surface; moderate for plants that provide abundant menisci but that do not restrict fish dispersal; low for plants that neither provide abundant positive menisci nor restrict fish dispersal.

A plant complements ecological mosquito control with regard to any parameter for which the plant has a low score. The sum of scores for all four parameters for any plant is its total score. A low total score for a plant indicates that it complements ecological mosquito control in general. The following scale is a guideline to identify potentially beneficial or detrimental plants that are listed in the Appendix.

Plant Assessment

Recommended Management Practice

Total Score < 9

maintain natural patch size.

9 < Total Score < 13

maintain small patch size.

Total Score > 14

minimize patch size.

This practical assessment is based upon information from a variety of sources, including correspondence with personnel of the California Department of Fish and Game and the United States Fish and Wildlife Service (San Pablo Bay and San Francisco Bay National Wildlife Refuges).

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PLANT FORM	TAXA	ILV	CFV	WFV	FOV	Total
Erect-Naked						
	Chenopodiaceae (pickleweeds)					
	<i>Salicornia virginica</i>	2	5	5	1	13
	Asteraceae (brass-button)					
	<i>Cotula coronopifolia</i>	2	5	1	2	10
	Juncaginaceae (arrowgrass)					
	<i>Triglochin maritima</i>	1	5	4	1	11
	Juncaceae (rushes)					
	<i>Juncus effusus</i>	1	3	4	2	10
	<i>J. patens</i>	1	3	4	2	10
	<i>J. balticus</i>	1	3	4	2	10
	<i>J. lesueurii</i>	1	3	3	2	9
	<i>J. acutus</i>	1	3	5	4	13
	<i>J. bufonius</i>	1	3	3	2	9
	<i>J. sphaerocarpus</i>	1	3	4	2	10
	<i>J. bolanderi</i>	1	3	4	2	10
	<i>J. rugulosus</i>	1	3	4	2	10
	<i>J. torreyi</i>	1	3	4	2	10
	<i>J. xiphioides</i>	1	3	4	2	10
	Cyperaceae (bullrushes, spikerushes, sedges)					
	<i>Scirpus fluviatilis</i>	1	4	5	3	13
	<i>S. robustus</i>	1	4	2	2	9
	<i>S. americanus</i>	1	4	2	3	10
	<i>S. olneyi</i>	1	4	4	3	12
	<i>S. acutus</i>	1	5	5	4	15
	<i>S. koilolepsis</i>	1	3	2	3	9
	<i>S. californicus</i>	1	5	5	4	15
	<i>Cyperus niger</i>	1	4	4	3	12
	<i>C. aristatus</i>	1	3	2	3	9
	<i>C. difformis</i>	1	4	4	2	11
	<i>C. esculentus</i>	2	4	4	3	13
	<i>Eleocharis palustris</i>	1	3	4	2	10
	<i>Carex stipata</i>	2	4	4	3	13
	<i>C. bolanderi</i>	2	4	4	3	13
	<i>C. obnupta</i>	2	4	3	2	11
	<i>C. rostrata</i>	2	4	5	3	14
	Sparganiaceae (burreeds)					
	<i>Sparganium eurycarpum</i>	2	4	4	3	13
	Typhaceae (cattails)					
	<i>Typha latifolia</i>	2	5	5	5	17
	<i>T. angustifolia</i>	2	5	5	4	16
	<i>T. glauca</i>	2	5	5	4	16

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PLANT FORM	TAXA	ILV	CFV	WFV	FOV	Total
Erect-Leafy						
	Equisetaceae (horsetails)					
	<i>Equisetum arvense</i>	2	5	5	2	14
	Pteridaceae (ferns)					
	<i>Pteridium aquilinum</i>	2	5	5	1	13
	Plantaginaceae (plantains)					
	<i>Plantago hirtella</i>	2	3	3	1	9
	<i>P. major</i>	2	3	3	1	9
	Alismataceae (water-plantains, arrowheads)					
	<i>Alisma triviale</i>	2	2	2	1	7
	<i>A. geyeri</i>	2	2	2	1	7
	<i>Sagittaria latifolia</i>	2	2	2	1	7
	<i>S. montevidensis</i>	2	3	2	1	8
	<i>S. longiloba</i>	2	2	2	1	7
	<i>S. sanfordii</i>	2	2	2	1	7
	<i>Echinodorus berteroi</i>	2	4	2	2	10
	Onagraceae (primroses)					
	<i>Ludwigia spp.</i>	2	2	4	1	9
	<i>Jussiaea repens</i>	4	3	4	5	16
	Lythraceae (loosestrifes)					
	<i>Lythrum californicum</i>	2	4	4	3	13
Flexus						
	Frankeniaceae (alkali heath)					
	<i>Frankenia grandifolia</i>	2	5	5	2	14
	Poaceae (grasses)					
	<i>Phragmites communis</i>	3	5	5	4	17
	<i>Distichlis spicata</i>	4	5	5	4	18
	<i>Deschampsia danthonoides</i>	3	5	2	1	11
	<i>D. beringensis</i>	3	5	2	1	11
	<i>D. holciformis</i>	3	5	2	1	11
	<i>Alopecurus howellii</i>	2	4	2	1	9
	<i>Polypogon elongatus</i>	2	4	4	1	11
	<i>Echinochloa crusgalli</i>	3	4	1	3	11
	<i>Glyceria leptostachya</i>	2	4	3	3	12
	<i>G. occidentalis</i>	2	4	3	3	12
	<i>Zizania aquatica</i>	3	2	4	4	13
	<i>Leersia oryzoides</i>	3	2	3	3	11
	<i>Oryza sativa</i>	2	2	2	3	9
	<i>Phalaris arundinacea</i>	3	4	4	3	14
	<i>Beckmannia syzigachne</i>	2	4	3	3	12
	<i>Heleochoa schoenoides</i>	2	4	1	3	10
	<i>Leptochloa fascicularis</i>	2	4	1	3	10

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PLANT FORM	TAXA	ILV	CFV	WFV	FOV	Total
Flexus (continued)						
Polygonaceae (smartweeds)						
	<i>Polygonum punctatum</i>	3	4	2	3	12
	<i>P. coccineum</i>	3	4	2	3	12
	<i>P. hydropiperoides</i>	3	4	2	3	12
	<i>P. lapathifolium</i>	3	4	2	3	12
	<i>P. paronychia</i>	3	4	2	3	12
	<i>P. patulum</i>	3	4	2	3	12
	<i>P. amphibium</i>	4	4	1	5	14
	<i>P. pennsylvanicum</i>	3	4	2	3	12
Rosaceae (cinquefoils)						
	<i>Potentilla rivalis</i>	3	3	2	3	11
	<i>P. palustris</i>	3	3	2	3	11
Asteraceae (cockleburs)						
	<i>Xanthium strumarium</i>	2	4	5	3	14
Pleuston						
Lemnaceae (duckweeds)						
	<i>Spirodela polyrhiza</i>	1	5	2	1	9
	<i>Lemna minima</i>	1	5	2	1	9
	<i>L. perpusilla</i>	1	5	2	1	9
	<i>L. gibba</i>	1	5	2	1	9
	<i>L. valdiviana</i>	1	5	2	1	9
	<i>Wolffiella lingulata</i>	1	5	2	1	9
Salviniaceae (water ferns)						
	<i>Azolla filiculoides</i>	1	4	4	1	10
Floating Mat						
Apiaceae (marsh pennyworts)						
	<i>Hydrocotyle ranunculoides</i>	4	4	2	5	15
	<i>H. umbellata</i>	4	4	2	5	15
Ranunculaceae (crowfoots)						
	<i>Caltha howellii</i>	4	4	3	4	15
	<i>Ranunculus flammula</i>	4	4	3	4	15
	<i>R. pusillus</i>	4	4	3	4	15
	<i>R. flabellaris</i>	4	4	3	4	15
	<i>R. aquatilis</i>	4	4	3	5	16
Brassicaceae (water-cress)						
	<i>Nasturtium officinale</i>	4	4	2	5	15
Scrophulariaceae (figworts)						
	<i>Bacopa nobsiana</i>	3	4	3	3	13

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PLANT FORM	TAXA	ILV	CFV	WFV	FOV	Total
Floating Leaf						
	Nymphaeaceae (cow-lily, water-shield)					
	<i>Nuphar polysepalum</i>	3	2	4	2	11
	<i>Brasenia schreberi</i>	1	4	5	2	12
	Araceae (water-lettuce)					
	<i>Pistia stratiotes</i>	4	5	5	4	18
	Pontederiaceae (water-hyacinth)					
	<i>Eichhornia crassipes</i>	4	5	5	4	18
	Potamogetonaceae (pondweeds)					
	<i>Potamogeton crispus</i>	2	2	2	2	8
	<i>P. diversifolius</i>	2	2	2	2	8
	<i>P. nodosus</i>	2	2	2	2	8
Submergent						
	Haloragaceae (water-milfoils)					
	<i>Myriophyllum brasiliense</i>	5	3	4	5	17
	<i>M. spicatum</i>	4	2	4	4	14
	Callitricaceae (water-starwort)					
	<i>Callitriche longipedunculata</i>	2	2	4	3	11
	Zannichelliaceae (horned pondweeds)					
	<i>Zannichellia palustris</i>	2	2	4	2	10
	Najadaceae (water-nymphs)					
	<i>Najas flexilis</i>	3	2	4	2	11
	<i>N. graminea</i>	3	2	4	2	11
	Lentibulariaceae (bladderworts)					
	<i>Utricularia vulgaris</i>	3	3	4	3	13
	<i>U. gibba</i>	3	3	4	2	12
	Ceratophyllaceae (hornworts)					
	<i>Ceratophyllum demersum</i>	3	4	4	4	15
	Hydrocharitaceae (frogbits)					
	<i>Elodea densa</i>	3	2	4	2	11
	<i>E. canadensis</i>	1	2	4	1	8
	Ruppiaceae (wigeon grass)					
	<i>Ruppia spiralis</i>	3	3	2	3	11
	Potamogetonaceae (pondweeds)					
	<i>Potamogeton filiformis</i>	4	2	3	4	13
	<i>P. pectinatus</i>	5	2	1	5	13
	<i>P. foliosus</i>	4	2	3	4	13

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APPENDIX H
LINER TYPES, PROPERTIES, APPLICATIONS, AND MANUFACTURERS AVAILABLE
FOR HUNTERS POINT STORM WATER WETLAND

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**Liner Types, Properties, Application, and Manufacturers Available for
Hunters Point Storm Water Wetland**

USEPA guidelines on “Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units” are available at <http://tis.eh.doe.gov/oeqa/guidance/rcra/leak.pdf>.

There are different types of liners based on the properties of a liner and the application for use (Table H-1). For a wetland with a double liner and a leak detection system, components to consider include:
 liner for water impoundment
 liner chemically resistant to hazardous material
 textile for drainage collection
 sealant

Table H-1. Liner Types, Properties, Application, and Manufacturers.

Application	Properties	Product name	Manufacturer
Water impoundments	Low thermal expansion/contracting properties; Tough	8130 XR-5, 8138 XR-5, 8228 XR-3, XR-3 FILM 8130 XR-3 PW	XR Technology
Resistant to Hazardous Waste	Resistant to various strong chemicals, acids, oxidizing agents, oil, some nuclear wastes and others. Resistant to cracking Very low permeability	Polypropylene geomembrane Hyplon geomembrane XR-5 Geomembrane Liner RUFECO 3000B Coolshield Coolthane	Cooley, Stevens Geomembranes Stevens Geomembranes Geomembrane Bristar Containment Industries Inc. Cooley
Component of landfill base seals	Containment of contaminated liquid	Carbofol	Naue Fasertechnik GmbH & Co.
Drainage	Retains soil, allows root growth	Terrafix®	Naue Fasertechnik GmbH & Co.

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■ Letter 82: Arc Ecology (1/12/10)

Response to Comment 82-1

This comment contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 82-2

As a result of the size of the Project, the mass emissions will be above the BAAQMD mass emission thresholds of significance (Impact AQ-4), resulting in a “significant and unavoidable” determination. However, despite its size, the Project has been designed to minimize these exceedances to the extent possible. The Project’s design incorporates a dense, compact development plan that includes a diverse mix of land uses that are well connected with regional mass transit systems, all of which serve to reduce the mass emissions of this Project compared to a similar sized project without these design features, as stated on page III.H-31:

Table III.H-5 (Operational Criteria Pollutant Emissions [Year 2030]) presents the emission modeling with comparisons to BAAQMD thresholds and the transportation scenario without trip reduction features (referred to as the Business as Usual [BAU] scenario). The estimated daily criteria pollutant emissions associated with the proposed Project and the BAU scenario are shown in Table III.H-5 in comparison with each other and with the BAAQMD CEQA significance criteria. Although the Project would generate substantially fewer emissions than the BAU scenario (i.e., from 14 to 50 percent less than BAU depending on the pollutant), Project emissions of ROG, NO_x, PM₁₀, and PM_{2.5} would exceed the BAAQMD thresholds. No additional feasible mitigation measures have been identified that would further reduce the Project’s operational criteria emissions below the BAAQMD thresholds. This would be a significant and unavoidable impact.

However, the Project design is a dense, infill mixed-use project, with a transit-oriented design, which is consistent with Senate Bill 375 as well as the San Francisco’s sustainable city initiatives to reduce emissions, on a per-capita basis by its very nature. However, the BAAQMD CEQA guidelines list a total mass of criteria pollutants as its CEQA threshold. Accordingly, a large project, such as this one, regardless of its design and location will always exceed these mass-based thresholds.

While the emissions from the Project may exceed the mass thresholds, as discussed in Impact AQ-9, the Project would conform to the current regional air quality plan, and therefore would not impair the ability of the BAAQMD to maintain air quality within its jurisdiction. Therefore, the Project would neither worsen existing air quality nor contribute substantially to projected air quality violations.

Response to Comment 82-3

The comment incorrectly states that requiring a site mitigation plan, contingency plan, or health and safety plan does not constitute a mitigation measure, but only “a promise of the intent to have a mitigation measure.” In fact, the Draft EIR provides legally binding mitigation through formulation of, and compliance with, approved plans meeting certain performance standards and utilizing detailed methods.

As the Draft EIR explains, the Project is legally committed to utilizing the mitigation measures corresponding to Impacts HZ-1 through HZ-14. Prior to obtaining a site permit, building permit or other authorization from the City for development activities in various areas, the Project Applicant must comply with the mitigation measures, which require, for example, preparation of a site mitigation plan under Article

22A of the *San Francisco Health Code* (MM HZ-1a), or approval by the San Francisco Department of Public Health of an unknown contaminants contingency plan (MM HZ-2a.1). Without such approval and compliance with the mitigation measures, no permit may be issued, and no development may take place.

The mitigation measures do not, and cannot, contain the full specifics of the site mitigation plans, contingency plans, and health and safety plans since those plans must take into account circumstances that exist at the time they are prepared. However, the Draft EIR does provide significant detail about the purposes and required content of the plans and the standards they must be designed to achieve. For example, mitigation measure MM HZ-1a, Draft EIR page III.K-54, requires that, where the site investigation reveals a hazardous materials release:

The site mitigation plan shall identify, as appropriate, such measures as excavation, containment, or treatment of the hazardous materials, monitoring and follow-up testing, and procedures for safe handling and transportation of the excavated materials, or for protecting the integrity of the cover or for addressing emissions from remedial activities, consistent with the requirements set forth in Article 22A.

The Draft EIR further states that any remedial activities, safety protocols, and control measures required would be similar to the specific measures described in Draft EIR Table III.K-2 (Remedial Actions, Potential Environmental Effects, and Methods to Reduce Effects), pages III.K-74 -76. Similarly, mitigation measure MM HZ-2a.1, in describing contingency plans, states the plans will accomplish appropriate notification and site control utilizing methods including further investigation and remediation in various forms where necessary. Please refer to the mitigation measures corresponding to Impacts HZ-1 through HZ-14 for further detail.

Response to Comment 82-4

Mitigation measure MM HZ-10b provides for the creation of legally binding design documents, approved by all required regulatory agencies (including USEPA, DTSC, RWQCB, and the Navy and CDPH if necessary) for the installation of any pilings through a landfill cap. The Draft EIR outlines specific standards those documents must adhere to; in particular, they must describe how the cap will be evaluated to determine the potential adverse effect of shoreline improvements, and they must describe the method of construction to mitigate environmental risk and restore the cap. Mitigation measure MM HZ-10b ensures that, before any construction activities take place that could potentially affect contaminated sediments, the Agency, its contractors, or the Project Applicant shall comply with all requirements incorporated into the design documents, work plans, health and safety plans, dust control plans, and any other document or plan required under the Administrative Order on Consent. In addition to Impact HZ-10 and mitigation measure MM HZ-10b, refer to Master Response 10 (Pile Driving through Contaminated Soil) for a detailed discussion on these topics.

Response to Comment 82-5

As stated in mitigation measure MM HZ-15, Draft EIR page III.K-99, the Project Applicant must attain approval of an Asbestos Dust Mitigation Plan (ADMP) prior to obtaining any permit from the City that includes soil disturbing activities for areas over one acre, and additionally the Project Applicant must attain approval of a Dust Control Plan (DCP) prior to obtaining any such permit for areas over 0.5 acre. The ADMP and DCP must be approved by BAAQMD and SFDPH, respectively, and must meet certain standards through numerous dust control measures. The DCP addresses all forms of dust and is not

specifically targeted at naturally occurring asbestos, although most of the mitigation measures required by the plan have the effect of controlling emissions of naturally occurring asbestos disturbed during excavation activities. The City and County of San Francisco's "no visible dust" objective is likewise not specifically targeted at naturally occurring asbestos emissions. The ADMP approved by the BAAQMD is specifically targeted at controlling naturally occurring asbestos emissions (whether visible or not), as required by the state regulation promulgated by the California Air Resources Board called the Airborne Toxic Control Measures (ATCM). The state ATCM regulations do not require ambient air monitoring to be included as a part of ADMPs; however, the regulations provide that air districts may require an ADMP to include such monitoring. Consistent with the state ATCM regulations, MM HZ-15 requires the ADMP for the Project to include ambient monitoring to the extent the BAAQMD requires such monitoring. In approving the ADMP for HPS Phase I, the BAAQMD did require ambient air monitoring, and continues to require it. There is no reason to believe the BAAQMD would vary from its position of requiring ambient air monitoring when approving the ADMP for the Project. Refer to mitigation measure MM HZ-15 and Master Response 12 (Naturally Occurring Asbestos) for detail regarding the DCP and ADMP.

Response to Comment 82-6

Comment noted. The shutdown criteria in the BAAQMD-approved ADMP for HPS Phase I was established using the methodology employed by the California Office of Environmental Health Hazard Assessment (OEHHA), and corresponds to a risk level of one increased cancer per 10,000 (at the level suggested by the commenter). As indicated in the Response to Comment 82-5, there is no reason to believe the BAAQMD will require a different monitoring program in the ADMP for the Project than it did for the ADMP for HPS Phase I.

Response to Comment 82-7

The ambient air monitoring conducted by the Project Applicant at HPS Phase I includes four "community" monitoring stations operated by an independent contractor under the supervision of the San Francisco Department of Public Health. Samples from these monitoring stations are analyzed by a different laboratory than the one that analyzes the samples from the monitors operated under the direct supervision of the Project Applicant. Under the ADMP, the results of the community air monitors have the same legal effect as those of the monitors operated under the direct supervision of the Project Applicant; in both cases the Project Applicant is required to shut down project operations if monitoring results are above certain thresholds. If the BAAQMD requires ambient air monitoring to be included in the ADMP for the Project (as described in the Response to Comment 82-5 above), it is likely that similar community monitoring stations will be utilized. With respect to the public provision of monitoring data, monitoring results will be available to the community through Navy and City community participation programs and through regulatory agencies. Further, additional notice requirements will be implemented under mitigation measure MM HZ-15, Draft EIR page III.K-99, as described in Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues).

The shutdown criteria in the BAAQMD-approved ADMP for HPS Phase I is if the results from one of the air monitors exceeds 16,000 structures per cubic meter. This level was established using the methodology employed by the California Office of Environmental Health Hazard Assessment (OEHHA), and corresponds to a risk level of one increased cancer per 10,000 (at the level suggested by the commenter). As

indicated in Response to Comment 82-5, there is no reason to believe the BAQMD will require a different monitoring program in the ADMP for the Project than it did for the ADMP for HPS Phase I.

Response to Comment 82-8

The commenter states that removal of riprap at Candlestick Point would have a significant impact on oysters and recommends replacement of hard substrate that is to be removed with new hard substrate. As stated in Impact BI-10a, page III.N-83 in the Draft EIR, the scenario recommended by the commenter is what is anticipated to occur as a result of the Project—hard substrate that is removed will be replaced by similar hard substrate suitable for colonization by oysters. Thus, the Draft EIR correctly concludes that impacts to oysters on Candlestick Point will be less than significant.

Response to Comment 82-9

The commenter states that the mitigation measures for potential Project impacts to green sturgeon are incomplete, as Section 7 consultation with the NMFS will be necessary regarding impacts to this species. The commenter suggests that the NMFS may not approve impacts from the bridge.

The regulatory process, which may include a Section 7 consultation, is a parallel but separate process from the CEQA process, and resolution of permitting issues is not required for assessment of impacts, specification of measures necessary to mitigate impacts to less than significant levels, and project approval under CEQA.

Response to Comment 82-10

In reference to the comment that re-suspension of sediment at Candlestick Point may result in impacts to biological resources, Impact BI-19a referenced in this comment pertains to the operational aspects of the development at Candlestick Point. No activities resulting in the re-suspension of sediments at Candlestick Point will occur after construction is completed.

Response to Comment 82-11

In reference to the comment that consultation with the NMFS and CDFG will be necessary regarding potential maintenance dredging impacts to fish and eelgrass, refer to Response to Comment 82-9 above regarding the distinction between the regulatory permitting process and the CEQA process. The applicant will be required to consult with both agencies regarding regulatory issues, separate from the CEQA process.

Response to Comment 82-12

One comment suggested that flashing lights, rather than continuously burning lights, on tops of buildings may not be permissible by the US Coast Guard. According to David Sulouff, Chief of the Bridge Section for the Eleventh Coast Guard District, the Coast Guard is not expected to have any concerns over lighting on tops of the towers on Candlestick Point and HPS Phase II, as such lights would not pose an impediment to navigation of vessels on San Francisco Bay.¹²¹

¹²¹ David H. Sulouff, pers. comm. to Steve Rottenborn of H. T. Harvey & Associates, March 10, 2010.

Response to Comment 82-13

The suggestion that measures to protect native oysters from maintenance dredging, including a turbidity plume study, are not necessary, are noted. The commenter may be correct in suggesting that a survey for oysters on substrates within the marina may not detect the species. Nevertheless, in light of concerns regarding the status of this native species inside San Francisco Bay, these measures are being required to ensure against impacts to a substantial and important occurrence of the species (e.g., a large oyster bed), in the unlikely event that such an occurrence be present.

Response to Comment 82-14

In reference to the comment regarding the Pacific herring spawning season and seasonal restrictions pertaining to the spawning season, refer to Response to Comment 37-1.

Response to Comment 82-15

In response to the comment, the text in mitigation measure MM HZ-1a, Draft EIR page III.K-55 (and Table ES-2, page ES-51), has been revised as follows:

MM HZ-1a ...

To the extent that Article 22A does not apply to state-owned land at CPSRA, prior to undertaking subsurface disturbance activities at CPSRA, the Agency and the California Department of Parks and Recreation shall enter into an agreement to follow procedures ~~comparable~~ equivalent to those set forth in Article 22A for construction and development activities conducted at Candlestick Point State Recreation Area.

Response to Comment 82-16

Documents prepared for the Project approval hearing process will include a Mitigation Monitoring and Reporting Program, which will describe who is responsible for implementing and monitoring the mitigation measures that are adopted.

Response to Comment 82-17

In response to the comment, mitigation measure MM HY-1a.1, Draft EIR page III.M-59 (and Table ES-2, page ES-77), has been edited to add the following text to the second item under the first bullet:

MM HY-1a.1 [...]

- > *Erosion Control BMPs—Preserve existing vegetation where feasible, apply mulch or hydroseed areas with native, non-invasive species, until permanent stabilization is established, and use soil binders, geotextiles and mats, earth dikes and drainage swales, velocity dissipation devices, slope drains, or polyacrylamide to protect soil from erosion.*

In response to the comment, the text for mitigation measure MM HY-1a.2, Draft EIR page III.M-62 (and Table ES-2, pages ES-79 and -81), the following sentence has been added to the second item under the first bullet as well as to the first item under the tenth bullet:

MM HY-1a.2 ...

- *Erosion and Sedimentation:*

- ...
- > *Stabilize and re-vegetate disturbed areas as soon as possible after construction with planting, seeding, and/or mulch (e.g., straw or hay, erosion control blankets, hydromulch, or other similar material) except in actively cultivated areas. Planting and seeding shall use native, non-invasive species.*

...

 - *Post-construction BMPs:*
 - > *Re-vegetate all temporarily disturbed areas as required after construction activities are completed. Re-vegetation shall use native, non-invasive species.*

...

In addition, Appendix N3 of the Draft EIR includes a Draft Parks, Open Space, and Habitat Concept Plan that describes proposed removal of, monitoring for, and ongoing control of invasive plants and describes proposed revegetation efforts.

Response to Comment 82-18

Natural, living shorelines will be incorporated wherever possible and feasible with input from local agencies and stakeholders. Mitigation measures proposed will also require approvals from a myriad of environmental and other regulatory agencies prior to construction, which will provide independent review of their design and performance.

The design of the Project shoreline improvements must consider structural integrity, functionality, and regulatory requirements. Living shorelines emphasize the use of natural materials including marsh plantings, shrubs and trees, low profile breakwaters, strategically placed organic material, and other techniques that recreate the natural functions of a shoreline ecosystem. Table II-13 (Summary of Shoreline Improvements at the Project Site) of the Draft EIR, starting on page II-57, and Table II-14 (Description of Existing Shoreline Conditions and Proposed Improvement Concepts), starting on page II-59, shows the areas where beaches and tidal wetlands would be constructed. Table II-14 also identifies areas where bulkheads could be replaced with a natural shoreline edge. Figure II-20 (Natural Shoreline Recommended Work Map), on page II-68 of the Draft EIR, illustrates the areas where living shoreline elements are proposed.

In response to the comment, mitigation measure MM HY-12a.2, Draft EIR page III.M-102 (and Table ES-2, page ES-89), has been revised as follows:

MM HY-12a.2 Shoreline Improvements for Future Sea-Level Rise. Shoreline and public access improvements shall be designed to allow future increases in elevation along the shoreline edge to keep up with higher sea level rise values, should they occur. Design elements shall include providing adequate setbacks to allow for future elevation increases of at least 3 feet along the shoreline from the existing elevation along the shoreline. Before the first Small Lot Final Map is approved, the Project Applicant must petition the appropriate governing body to form (or annex into if appropriate) and administer a special assessment district or other funding mechanism to finance and construct future improvements necessary to ensure that the shoreline, public facilities, and public access improvements will be protected should sea level rise exceed 16 inches at the perimeter of the Project. Prior to the sale of the first residential unit within the Project, the legislative body shall have acted upon the petition to include the property within the district boundary. The newly formed district shall also administer a Monitoring and Adaptive Management Plan to monitor sea level and implement and maintain the protective improvements.

In response to the comment, the text for mitigation measure MM HY-14 on page III.M-106 (and Table ES-2, pages ES-90 to -91) of the Draft EIR has been revised as follows:

MM HY-14 Shoreline Improvements to Reduce Flood Risk. To reduce the flood impacts of failure of existing shoreline ~~protection structures~~, the Project Applicant shall implement shoreline improvements for flood control protection, as identified in the Candlestick Point/Hunters Point Development Project Proposed Shoreline Improvements report. Where feasible, elements of living shorelines shall be incorporated into the shoreline protection improvement measures.

Response to Comment 82-19

Refer to Master Response 8 (Sea Level Rise) and Responses to Comments 36-2, 57-1, and 58-3 for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur. The Adaptation Strategy includes measures to provide continued flood protection beyond the 16 inches of sea level rise that it is initially built to, thereby ensuring that open-space and public uses continue.

Response to Comment 82-20

Refer to Response to Comment 82-16, which is identical to this comment.

Response to Comment 82-21

Refer to Response to Comment 82-18 for a discussion of the incorporation of natural, living shoreline elements into the project, wherever possible and feasible, with input from local agencies and stakeholders, and to the extent that such measures are compatible with proposed shoreline treatments.

Response to Comment 82-22

The suggestion that the natural shoreline incorporate a variety of habitats, including deep intertidal, eelgrass, and native oyster beds and reefs, is noted. The Project will incorporate habitat diversity into this shoreline to the extent that such measures are compatible with proposed shoreline treatments.

Refer also to Response to Comment 57-3 for a discussion of shoreline protection and improvements.

Response to Comment 82-23

This comment contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 82-24

Figure C&R-17 (Cross-section of the Yosemite Slough Bridge, With Stadium and Without Stadium) presents the proposed cross-section of the Yosemite Slough bridge under conditions with and without a new NFL stadium. As shown, with the stadium, the bridge would be 81 feet wide, including a 40-foot-wide bicycle/pedestrian promenade (which would be converted to four 10-foot-wide travel lanes on game days only), a 2-foot-wide median on either side of the promenade, two 11-foot-wide BRT lanes, a 2-foot-wide median barrier, a 12-foot-wide Class I bicycle/pedestrian facility, and a 1-foot-wide shoulder. Under

conditions without the new stadium, the bridge would be 41 feet wide and would include a 12-foot-wide Class I bicycle/pedestrian facility and two 11-foot-wide BRT lanes.

Response to Comment 82-25

This comment repeats information presented in the Draft EIR regarding traffic impacts of Alternative 2. No additional response is required.

Response to Comment 82-26

The intent of the statement was to note that game-day traffic impacts would be exacerbated under Alternative 2 without the bridge compared to the Project. In response to the comment, the text in Section VI.D (Environmentally Superior Alternative), second paragraph, second and third sentences, page VI-160, has been revised as follows:

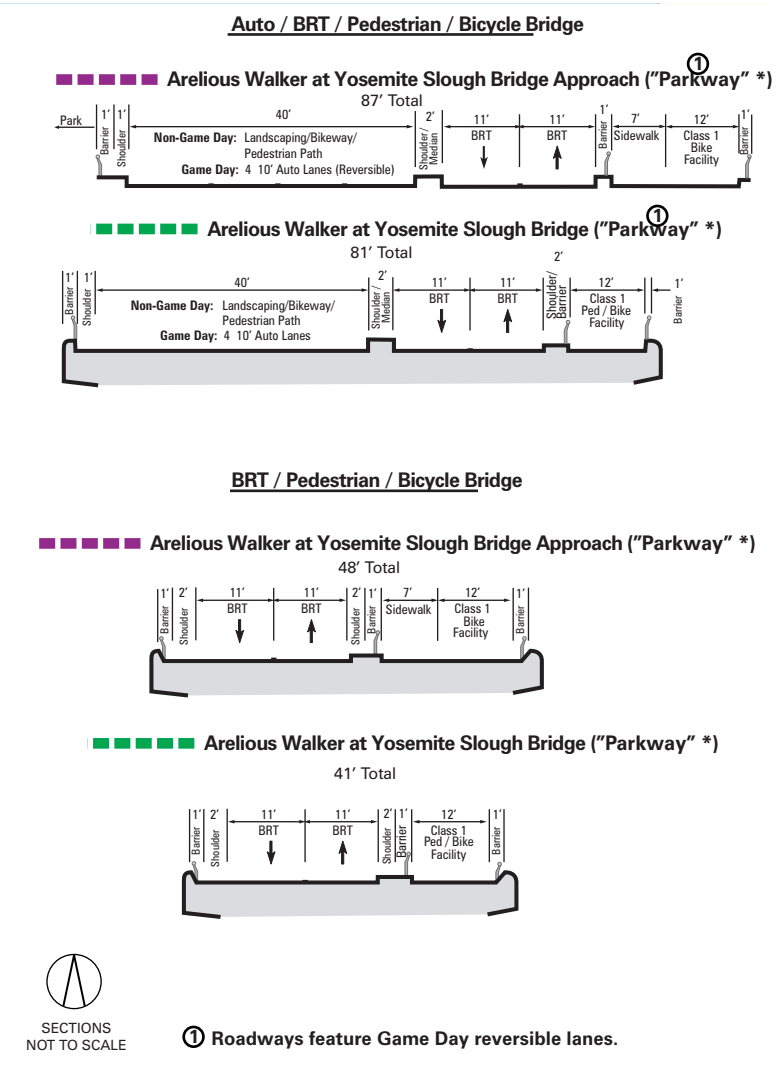
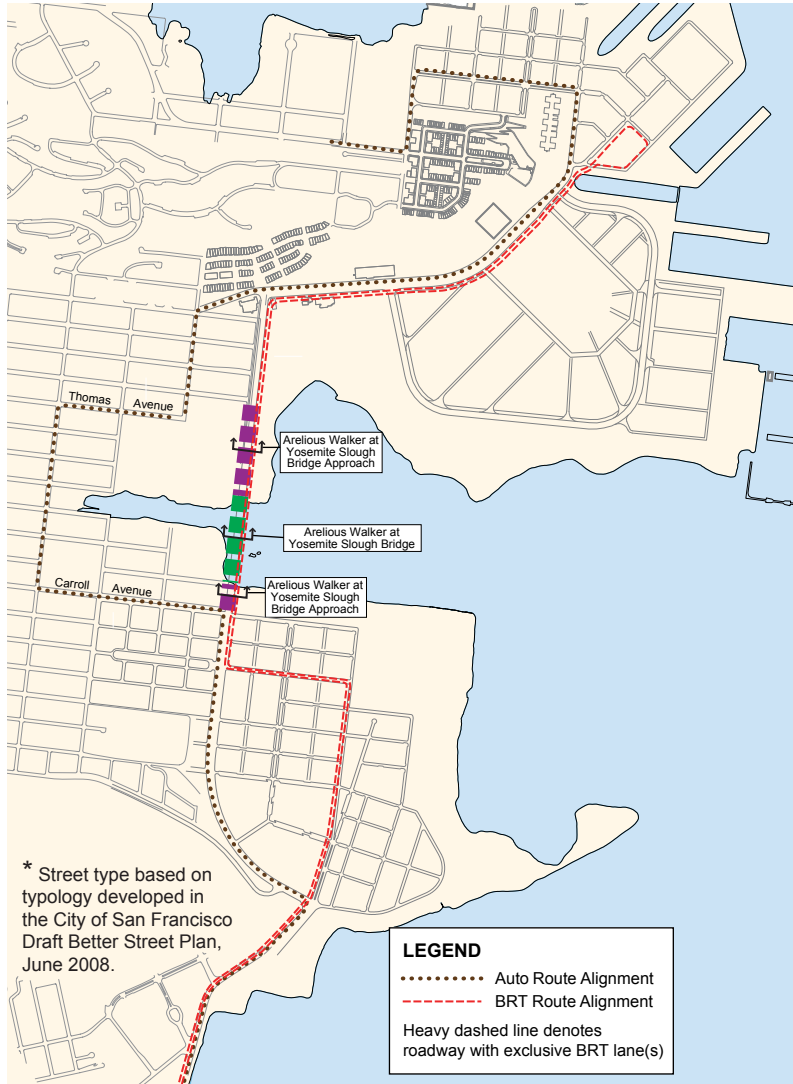
... Alternative 2 (CP-HPS Phase II Development Project, HPS Phase II Stadium, State Parks Agreement, and without the Yosemite Slough Bridge) would avoid Project impacts related to biological resources, water quality, and hazardous materials because the Yosemite Slough ~~bridge~~ would not be constructed. However, because the Yosemite Slough bridge would not be constructed, Alternative 2 would result in increased traffic-related impacts, ~~particularly~~ on game days. ...

Response to Comment 82-27

In response to the comment, Figure VI-1 (Alternative 2 Circulation Plan Railroad Right-of-Way for Bus Rapid Transit) shows the correct alignment of the proposed BRT route for Alternative 2.

The commenter notes that the BRT route proposed under conditions without the Yosemite Slough bridge would travel in exclusive right-of-way and that the explanatory text does not include this information. In response to the comment, the text in Section VI.C (Analysis of Project Alternatives), under the Transit Impacts heading, page VI-34, the second paragraph under this heading, has been revised as follows:

Although the alternative BRT route around Yosemite Slough would be technically feasible, it would not be an optimal configuration for a BRT system. BRT service would provide direct, fast, and reliable travel in a dedicated right-of-way, typically with signal priority for ~~V~~BRT vehicles. When these elements are combined, the BRT service takes on a higher quality character than typical local bus service. The Yosemite ~~s~~lough bridge would provide a dedicated right-of-way and ~~the~~ most direct route between Hunters Point Shipyard and points to the west, including Candlestick ~~p~~Point, the Bayshore Caltrain Station, and Balboa Park BART. Although the route around Yosemite Slough proposed under Alternative 2 would provide exclusive right-of-way, the route would involve a number of right-angle turns and additional signalized intersections and would not accommodate the BRT route provide a comparably direct route as that provided on the bridge proposed with by the Project.

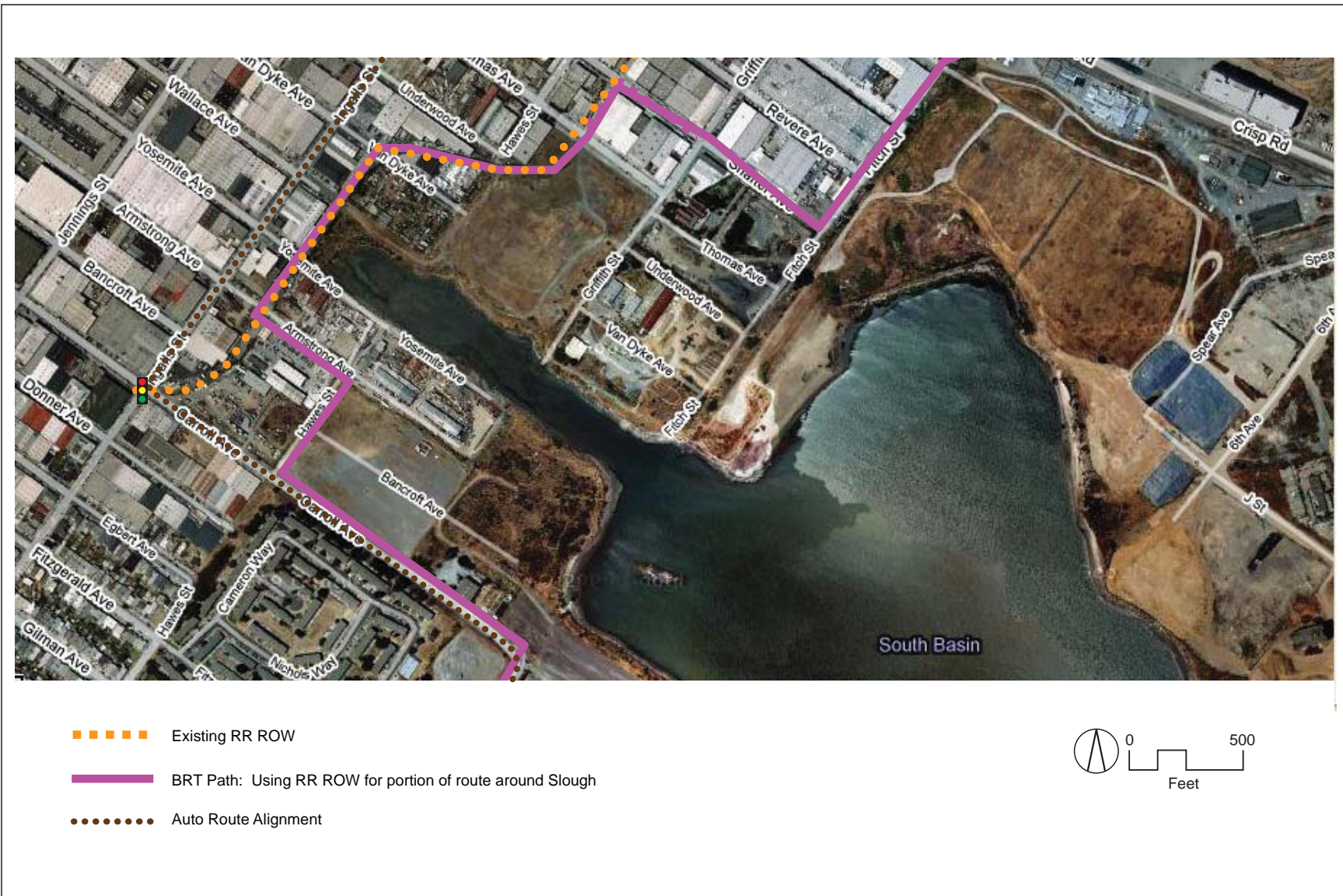


SOURCE: Fehr & Peers; AECOM, 2010.

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FIGURE C&R-17

Candlestick Point — Hunters Point Shipyard Phase II EIR
**CROSS-SECTION OF THE YOSEMITE SLOUGH BRIDGE
 WITH STADIUM AND WITHOUT STADIUM**



SOURCE: SFMTA, 2010.

PBS&J 04.09.10 02056 | JCS | 10

FIGURE VI-1



Candlestick Point — Hunters Point Shipyard Phase II EIR
**ALTERNATIVE 2 CIRCULATION PLAN RAILROAD
 RIGHT-OF-WAY FOR BUS RAPID TRANSIT**

Response to Comment 82-28

Although the portion of the route around Yosemite Slough that travels within the Navy rail right-of-way would be “rail-ready,” the primary area of concern with respect to rail-readiness of that route is the multiple right-angle turns and additional signalized intersections that the BRT would have to travel through between Arelious Walker Drive and the Navy rail right-of-way (i.e., along Carroll Avenue, Hawes Street, Armstrong Avenue and Shafter Avenue). Also refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge).

Response to Comment 82-29

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge), which describes how the route around the Yosemite Slough would be much less direct than the proposed bridge due to multiple right-angle turns and additional signalized intersections.

Response to Comment 82-30

The estimate of travel time around Yosemite Slough was developed based on data regarding average vehicle travel speeds provided by SFMTA’s cost estimation model, which was developed as part of the Transit Effectiveness Project. That data notes that local bus service travels an average speed of 7 miles per hour (mph), while BRT service typically travels at 10 mph. Although the route around the slough would provide exclusive right-of-way, due to the large number of right-angle turns through signalized intersections, the analysis assumes that the BRT would operate at speeds more similar to local bus service through this portion (i.e., 7 mph). The route across the bridge would operate more similar to typical BRT speeds (i.e., 10 mph) because it would have no intersections, no turns, and no conflicting bicycle, pedestrian, or traffic streams. Because it would not have to stop on the route across Yosemite Slough bridge, the average travel speed may, in fact, be higher than 10 mph.

The distance across the Yosemite Slough bridge (from Carroll Avenue to Shafter Avenue) is approximately 0.4 mile. The distance on the route around the slough is approximately 1 mile, a difference of 0.6 mile, and includes crossing through 12 to 14 intersections and four additional right turns that the route over the Yosemite Slough bridge would not require. The travel time for the BRT route across this distance (assuming an average 10 to 20 mph travel speed) would be approximately 1.25 to 2.5 minutes. The travel time for the BRT route around the slough (assuming an average 7 mph travel speed) would be 8.7 minutes, an increase of over 6 to 7.5 minutes. Therefore, the assumption of a 5-minute difference in travel time as disclosed in the Draft EIR is a reasonable estimate given the uncertainties in estimating actual transit travel time. As described above, the travel times used in the Draft EIR are from the same start and end points for both routes, so the comparison is valid. Although the route around the slough would provide exclusive right-of-way, its benefits would be limited because of the large number of right-angle turns through signalized intersections.

As noted above, an average travel speed of 7.3 mph is consistent with SFMTA’s data regarding typical local bus speeds. Although the average speeds from SFMTA include dwell times at stops, they also are collected on routes traveling along typically straight corridors. The BRT route around Yosemite Slough would not have stops for passenger loading, but it would have more sharp turns through signalized intersections, which are more likely to require stops. Therefore, an average speed of 7 miles per hour is reasonable.

The commenter does not provide evidence supporting the claim that average BRT speeds are between 20 and 25 miles per hour. It is possible that BRT routes achieve maximum speeds of between 20 and 25 miles per hour, but unlikely that they achieve this speed over the length of their route, particularly if they are traveling through industrial areas and making a series of right-angle turns through signalized intersections as would be required by the proposed route around the slough. If anything, the 20-25 mph speed would be more likely to apply to the route across the bridge, since it would be straight and unobstructed and would have adequate distance to achieve its maximum speed.

As described above, the travel time estimates were calculated based on typical average speeds provided by SFMTA and are correct (Fehr & Peers, Memo to Planning Department documenting SFMTA's Transit Operating Speed Assumptions).

The Transportation Study (provided as Appendix D of the Draft EIR) and the text of the Draft EIR itself are consistent. Neither the Transportation Study nor the Draft EIR identified a new significant impact to Route 28L associated with Alternative 2. However, both the Transportation Study and the Draft EIR note that Alternative 2 would not provide the same quality in terms of travel times, reliability, and ridership on the 28L as would be provided by the Project.

Response to Comment 82-31

The 28L-19th Avenue/Geneva Limited would be extended from the Balboa Park BART station east along Geneva Avenue into the Project site. East of Bayshore Boulevard, the 28L-19th Avenue/Geneva Limited would provide the Bus Rapid Transit service extending across Yosemite Slough bridge into the Hunters Point Shipyard. The Project's impacts to this line are due to Project-generated traffic congestion at and just west of the Bayshore Boulevard/Geneva Avenue intersection, when the 28L would operate in mixed-flow travel lanes.

It is not clear to what data the commenter is referring. It is possible that the commenter is referring to Tables 77 and 83 in the Transportation Study in Appendix D of the Draft EIR. Table 77 presents the additional transit vehicles that would be necessary on each route serving the Project study area to maintain headways due to the Project and Variants 1 and 2. Table 83 presents the same information for Project Alternatives. If this is the data to which the commenter is referring, the comment contains a misrepresentation of the data.

Table 83 illustrates that based on long-term growth in traffic congestion in the study area, which would increase transit travel times, if Alternative 1 (No Project) occurred, a total of 16 additional buses would be necessary to maintain proposed transit headways in the study area in both the AM and PM peak hours. This includes only one additional vehicle for the 28L in both peak hours.

Table 77 illustrates that with implementation of the Project (and associated increases in traffic congestion, which would increase transit travel times) using SFMTA's Service Planning model in consultation with SFMTA, a total of 7 additional vehicles would be needed in the AM peak hour and 12 vehicles in the PM peak hour to maintain headways on all transit lines serving the study area. This includes one additional vehicle on the 28L-19th Avenue/Geneva Limited in each peak hour compared to Alternative 1 (No Project).

Table 83 shows that with implementation of Alternative 2, the 28L-19th Avenue/Geneva Limited would require the same number of additional vehicles (one) as required by the Project to maintain proposed

headways, associated with traffic congestion-related delays only. However, the additional travel time around Yosemite Slough under Alternative 2 without the bridge would require an additional 2 vehicles on the 28L BRT, compared to the Project. These additional vehicles are not reflected in Table 83, which is summarizing the effects of traffic congestion related transit delays only.

Response to Comment 82-32

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for discussion of stadium traffic egress for Alternative 2. The existing stadium is situated adjacent to a single freeway interchange. A very large portion of post-game traffic is routed to this single interchange, which is typically overwhelmed following games, limiting the capacity of autos to exit the stadium. The new stadium would be situated such that it has two primary routes to regional freeways—the route over Yosemite Slough toward Harney Way and the reconstructed US-101/Harney Way interchange and the route along Innes Avenue/Evans Avenue/Cargo Way which opens up direct connections from the stadium to other regional freeway entrances at Cesar Chavez Street, Indiana Street, and Bayshore Boulevard/Aleman Boulevard (refer to Figure III.D-15 [Stadium Game Day Egress Routes] on Draft EIR page III.D-130).

Response to Comment 82-33

It is possible that providing extremely difficult stadium egress would promote a shift from private auto to transit. However, the shift would not be so great as to reduce stadium clearance times to within standards set by the NFL (i.e., 1 hour for average game). For example, the proposed bridge would accommodate approximately 4,000 vehicles per hour following games. The average auto occupancy for game day attendees is 2.6 persons per auto, according to data provided by the 49ers. In order to maintain the stadium clearance times provided by the Project, which includes the Yosemite Slough bridge, the 10,400 people per hour who would otherwise use the bridge (4,000 vehicles per hour x 2.6 persons per vehicle) would have to switch to transit. When added to the 17,040 persons per hour already forecasted to use transit to access the stadium, the stadium's transit mode share would more than double, increasing from 19 to 40 percent, with 27,440 transit riders.

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for discussion of importance of bridge related to new stadium.

Response to Comment 82-34

The comment summarizes Comments 82-23 to 82-33. Refer to Responses to Comments 82-23 to 82-33 as well as Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge). No further response required.

Response to Comment 82-35

In response to the comment, Section VI.C (Analysis of Project Alternatives), Draft EIR page VI-30, fourth paragraph, has been revised as follows:

Under Alternative 2, ~~motorized traffic~~ transit and non-motorized traffic would be required to circumnavigate Yosemite Slough because no bridge would be constructed. On game days, motorized and non-motorized traffic, which would travel across Yosemite Slough Bridge under the Project,

would also be required to circumnavigate Yosemite Slough because no bridge would be constructed under Alternative 2. Figure VI-1 (Alternative 2 Circulation Plan Railroad Right-of-Way for Bus Rapid Transit) illustrates the proposed route. The rest of the street network at Candlestick Point and HPS Phase II would be the same as the Project.

Response to Comment 82-36

In response to the comment, the text in Section VI.C (Analysis of Project Alternatives), Draft EIR page VI-30, fifth paragraph, has been revised as follows:

Similar to the Project, under Alternative 2, ~~T~~the primary roadway connection for automobiles and other vehicular traffic between Candlestick Point and HPS Phase II would be west on Carroll Avenue to Ingalls Street, north along Ingalls Street to Thomas Avenue, and east on Thomas Avenue to Griffith Street. Ingalls Street would remain an industrial mixed-use street with two auto lanes and parking and loading zones on its northern and southern sides. The width of sidewalks on that portion of Ingalls Street from Carroll Avenue to Yosemite Avenue would be decreased from 16 feet to 11 feet to create a uniform street width to accommodate the auto lanes, parking, and loading.

Response to Comment 82-37

Figure VI-1 (Alternative 2 Circulation Plan Railroad Right-of-Way for Bus Rapid Transit) shows an incorrect alignment of the proposed BRT route for Alternative 2. The figure has been revised to illustrate the correct alignment. Refer to Response to Comment 82-27 for the revised figure.

Response to Comment 82-38

The line along Innes Avenue was also in error. Figure VI-1 (Alternative 2 Circulation Plan Railroad Right-of-Way for Bus Rapid Transit) has been revised to illustrate the correct alignment. Refer to Response to Comment 82-27 for the revised figure.

Response to Comment 82-39

Refer to Response to Comment 82-28 for a discussion of “rail-readiness” of the BRT route around Yosemite Slough.

Response to Comment 82-40

In response to the comment, the text in Section VI.C (Analysis of Project Alternatives), the first paragraph, under the Transportation and Circulation heading, page VI-33, has been revised as follows:

Alternative 2 would be the same as the Project, except it would not include the Yosemite Slough bridge. Because vehicular traffic could not use the bridge on non-game days, ~~T~~the main roadway connection between Candlestick Point and HPS Phase II would be the same as with the Project, via Ingalls Street. The bus rapid transit (BRT) route would be along Carroll Avenue, Hawes Street, Armstrong Avenue, and the abandoned railroad right-of-way to provide access between Candlestick Point and HPS Phase II. Alternative 2 would otherwise have the same transportation improvements as proposed with the Project.

Response to Comment 82-41

The referenced paragraph states that “Alternative 2 would have similar Project and cumulative effects at study intersections.” The text is clear and no changes are required.

Response to Comment 82-42

In the case of the Yosemite Slough bridge, the bridge would carry four lanes of traffic inbound before games and four lanes outbound after games. Emergency vehicles would be permitted to use the BRT lanes.

The referenced text is in a paragraph discussing game-day traffic impacts. As described in the Draft EIR, game-day traffic entrance and exiting capacity would be reduced by 40 percent in Alternative 2, compared to the Project. Game-day traffic impacts may, in fact, be more severe under Alternative 2. The commenter is correct in noting that the number of lanes accessing the regional facilities and on the local street system would remain the same. No change to the text is required.

Response to Comment 82-43

In response to the comment, the text in Section VI.C (Analysis of Project Alternatives), under the “Intersection Conditions” heading, page VI-34, has been clarified, as follows:

During game days at the football stadium, with no Yosemite Slough Bridge, the entrance and exiting capacity for vehicles would be reduced about 40 percent compared to the Project; four out of a total of 11 exit lanes would be available without the bridge. As with the Project, a mitigation measure to implement a Travel Demand Management Plan for stadium events would reduce but not avoid traffic impacts, which would be significant and unavoidable.

Response to Comment 82-44

The text in Section VI.C (Analysis of Project Alternatives), under Transit Impacts heading, page IV-34, has been revised as indicated in Response to Comment 82-27. Refer to Response to Comment 82-27 for revisions to Figure VI-1 and the description of the BRT route.

Response to Comment 82-45

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 47-4 and 82-30 for an estimate of travel time around Yosemite Slough.

Response to Comment 82-46

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 47-4 and 82-30 for an estimate of travel time around Yosemite Slough.

Response to Comment 82-47

The text in Section VI.C (Analysis of Project Alternatives), under the “Transit Impacts” heading, page VI-34, the typographical error has been corrected, as follows:

Although the alternative BRT route around Yosemite Slough would be technically feasible, it would not be an optimal configuration for the BRT system. BRT service would provide direct, fast, and reliable travel in a dedicated right-of-way, typically with signal priority for BRT vehicles, ...

Response to Comment 82-48

While the transportation impacts of the Project and Alternative 2 would be the same or similar, the Project Objectives would not be met at the same level. Table VI-4, page VI-59, provides a summary of the Project Objectives and indicates whether the Alternative meets those objectives. Two of the objectives of the Project are met to a lesser extent than the Project. Because game day access would be reduced by 40 percent with Alternative 2, and because the BRT would not be an optimal configuration, Alternative 2 does not meet the Project objective 1 and 2 to the same extent as the Project. Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) regarding the need for the bridge.

Response to Comment 82-49

With regard to meeting the Project Objectives, refer to Response to Comment 82-48. Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) regarding the need for the bridge.

Refer to Master Response 4 and Responses to Comments 47-4 and 82-30 about the difference between the Alternative 2 BRT and the Project transit travel time. With regard to impacts related to hazards and hazardous materials, geology and soils, and biological resources, Alternative 2 reduces the number of less-than-significant impacts (impacts which can be addressed by mitigation) that would occur with the Project. Alternative 2 has the same or similar significant unavoidable impacts as the Project.

Response to Comment 82-50

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge). Despite providing dedicated right-of-way, the route around Yosemite Slough would be substantially more circuitous with 12 to 14 additional signalized intersections and four additional right turns is therefore considered a much less direct connection across Yosemite Slough.

Response to Comment 82-51

The commenter is referencing text that is meant to identify the utility and ease of access that a bridge at the mouth of the slough would provide for multiple modes of transit (pedestrians, bicyclists, and transit riders). The visual and physical connection at the mouth of the slough would encourage travel that would not otherwise occur.

Response to Comment 82-52

Refer to Response to Comment 82-48 with regard to meeting the Project Objectives, and 82-50 regarding a much less direct connection across Yosemite Slough for Alternative 2, compared to the bridge alternative. The commenter is mistaking the text in the Draft EIR which describes how a crossing of Yosemite Slough would provide benefits that would not accrue without a direct bridge connection. The analysis does not refer to grade separation as the distinguishing factor of the bridge. What is referenced is the utility and ease of access that a bridge at the mouth of the slough would provide for multiple modes of transit (pedestrians,

bicyclists, and transit riders). The visual and physical connection at the mouth of the slough would encourage travel that would not otherwise occur. Bicyclists and pedestrians are more likely to travel across the slough as the bridge would provide longer views and quicker access to the shoreline.

Response to Comment 82-53

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Response to Comment 82-50 regarding a less direct connection across Yosemite Slough for Alternative 2 as compared to the bridge alternative.

Response to Comment 82-54

Comment noted.

Response to Comment 82-55

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) regarding the need for the bridge. Refer to Responses to Comments 47-4 and 82-30 about the difference between the Alternative 2 BRT and the Project transit travel time.

Response to Comment 82-56

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for discussion of post-game traffic flow under conditions without the Yosemite Slough bridge. Also refer to Response to Comment 82-32 for discussion of capacity constraints at regional transportation facilities.

Response to Comment 82-57

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for discussion of post-game traffic flow under conditions without the Yosemite Slough bridge and discussion of comments by the National Football League stating that a bridge across Yosemite Slough would be crucial to facilitating a new stadium at the Hunters Point Shipyard site.

Response to Comment 82-58

The text in Section VI.D (Environmentally Superior Alternative), page VI-160 has been revised as indicated in Response to Comment 82-26.

Response to Comment 82-59

The text in Section VI.D (Environmentally Superior Alternative), page VI-160 has been revised as indicated in Response to Comment 82-26.

Response to Comment 82-60

The routes toward Ingalls Street and across Yosemite Slough would generally deliver traffic from the new stadium to the same streets that are currently used to provide stadium egress (Harney Way, Carroll Avenue, and Gilman Avenue). The analysis assumes only a modest increase in capacity of the reconstructed Harney

Way interchange compared to existing conditions. Alone, these routes across Ingalls Street and over Yosemite Slough are expected to offer similar capacity to their current capacity following games at Candlestick Park. The improvement in stadium clearance time is due in large part to the location of the stadium, which allows a second main exit route, along Innes Avenue, which provides connections to other regional freeway entrances. No further analysis is required to demonstrate capacity on Carroll Avenue, Gilman Avenue, or Harney Way because the analysis assumes they would have similar exiting capacity to existing conditions.

Response to Comment 82-61

This comment is similar to Comment 82-44. Refer to Response to Comment 82-27 for revisions to Figure VI-1 and description of the BRT route.

Response to Comment 82-62

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 47-4 and 82-30 for an estimate of BRT travel time around Yosemite Slough.

Response to Comment 82-63

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 47-4 and 82-30 for an estimate of BRT travel time around Yosemite Slough.

Response to Comment 82-64

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 47-4 and 82-30 for an estimate of BRT travel time around Yosemite Slough.

Response to Comment 82-65

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 47-4 and 82-30 for an estimate of BRT travel time around Yosemite Slough.

Response to Comment 82-66

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 47-4 and 82-30 for an estimate of BRT travel time around Yosemite Slough.

Response to Comment 82-67

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 47-4 and 82-30 for an estimate of BRT travel time around Yosemite Slough.

Response to Comment 82-68

The comment refers to the statement that the 28L-19th Avenue/Geneva Limited would experience increases in travel time due to Project-generated traffic. The comment notes that this route currently operates between Daly City and the Presidio, several miles west of the Bayview neighborhood, making it

unlikely that Project-generated traffic would affect this route. However, the 28L-19th Avenue/Geneva Limited would be extended from the Balboa Park BART station east along Geneva Avenue into the Project site. East of Bayshore Boulevard, the 28L-19th Avenue/Geneva Limited would provide the Bus Rapid Transit service extending across Yosemite Slough bridge into the Hunters Point Shipyard.

The Project's impacts to this line are due to Project-generated traffic congestion at and just west of the Bayshore Boulevard/Geneva Avenue intersection, when the 28L would operate in mixed-flow travel lanes. As noted in the Draft EIR, Geneva Avenue would be extended from its current terminus at Bayshore Boulevard east to connect with Harney Way at US-101.

Response to Comment 82-69

The commenter has submitted a preliminary design report for a proposed stormwater treatment wetland. The comment is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. The comment will be forwarded to the decision makers for their consideration prior to approval or denial of the Project.

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■ Letter 83: Arc Ecology (1/12/10)

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Letter 83

Arc Ecology
Environment, Economy, Society, & Peace

12 January 2010

Mr. Stanley Muraoka
Environmental Review Officer
San Francisco Redevelopment Agency
One South Van Ness Avenue, Fifth Floor
San Francisco, California 94103

RE: Public Comment on Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project (formerly the "Bayview Waterfront Project") Draft EIR [DEIR]

Dear Sirs:

Arc Ecology has been forwarded these comments from the following individual(s):

Literacy for Environmental Justice (LEJ)

Arc Ecology is submitting these comments to the Agency on behalf of the commenter and also referencing them as a portion of our own commentary on Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project (formerly the "Bayview Waterfront Project") Draft EIR [DEIR].

Sincerely,



Saul Bloom
Executive Director
Arc Ecology

Enclosures: LEJ letter

4634 3rd Street, San Francisco, California 94124, United States of America
PHONE: 415.643.1190 | FAX: 415.643.1142 | EMAIL: info@arcecolgy.org

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Literacy for Environmental Justice
800 Innes Avenue #11
San Francisco, CA 94124

Mr. Stanley Muraoka
Environmental Review Officer
San Francisco Redevelopment Agency
1 South Van Ness Avenue, Fifth Floor
San Francisco, CA 94103

Mr. Bill Wycko
Environmental Review Officer
San Francisco Planning Department
1650 Mission Street
San Francisco, CA 94103

RE: Public Comments on the November 12, 2009 Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project Draft EIR

Literacy for Environmental Justice (LEJ) is an environmental education and youth empowerment organization located in the Bayview Hunters Point neighborhood of San Francisco. Bayview Hunters Point (BVHP) is predominantly a low-income community of color, which has historically served as the dumping ground for San Francisco's most toxic industries. The mission of Literacy for Environmental Justice is to foster an understanding of the principles of environmental justice and urban sustainability in our young people in order to promote the long-term health of our communities. LEJ trains youth from Bayview Hunters Point to become authorities and activists in environmental health research, education, and advocacy; sustainable foods production, marketing, and nutrition education; and environmental conservation, restoration, and horticulture. Our youth programs combine education sessions with action-based projects, drawing concrete linkages between human health, the environment, and urban quality of life:

* The *Bay Youth for the Environment Program* operates a native plants nursery at Candlestick Point State Park Recreational Area, and is the primary supplier of plant stock to two major restoration projects on San Francisco Bay; including the *Yosemite Slough Restoration Project*.

* Interns in the *Youth With A Plan* -- an environmental health and justice program contribute a strong youth voice to the redevelopment of southeast San Francisco.

* LEJ also spearheads the restoration and stewardship at *Heron's Head Park* (formerly Pier 98). Through the efforts of thousands of community volunteers, we've transformed a brownfield into one of the most vibrant wetlands on the southern bay front shoreline. Each year we host some 1,200 school-age youth at the park for free site-based environmental education programs that link science curricula to real-life environmental health and justice issues.

* We're in the final stages of constructing *The EcoCenter at Heron's Head Park*, a 1,500-square-foot environmental education facility that will model alternative energy and waste water technologies and be San Francisco's first 100% "off-grid" building. Situated at the foot of the former PG&E Hunters Point Power Plant — closed in 2006 after years of community advocacy — the EcoCenter is a success story that will empower youth to act for environmental health and justice.

Youth With A Plan is LEJ's newest program and brings youth engagement to the public process involving the redevelopment of the Hunters Point Shipyard and Candlestick Park. LEJ recruited youth ages 14-17 from area schools to participate in the Youth With A Plan program. These

83-1



paid youth interns were educated about the history of BVHP and this joint redevelopment project, in the context of the standards and practices of urban development. During their first eight weeks, the youth learned about city planning; case studies of other redeveloped communities and attended BVHP public meetings addressing environmental conservation, city planning, redevelopment, safety, community design, and transportation. LEJ youth then convened a community panel of longtime leaders of the Bayview Hunters Point community at the Waden Branch of the San Francisco Public Library. Youth led this meeting which included a presentation and Q&A on their experience living, working, educating, and advocating in the Bayview and their hopes for the community's future. This event generated public engagement around the Youth With A Plan project, formed inter-generational connections between elders and upcoming leaders.

Our goal is to support youth in the community and find effective ways to included youth input into public policy decisions. Our public comments for the draft environmental impact report resulted from a survey created by youth for youth. The surveys were completed by youth who live, work or attend schools in Supervisorial District 10. We have identified four areas that we believe should be addressed in the DEIR. These areas are transportation, housing, youth development and education, and access to parks and open space.


The survey asked youth to answers two key questions:

- 1) *What do youth need to thrive here in Bayview/Hunter's Point?*
- 2) *How can the redevelopment of the southeast San Francisco support youth education and health?*

Through our process, 78 surveys were completed. The youth surveyed ranged from age 11 to age 20, with an average age of 15.6. Of the youth surveyed, 66.2% were female. The youth surveyed belonged to the following race/ethnicity groups: 33.8% were Asian/ Pacific Islander, 29.9% were African American/Black, 31.2% were Latino/Hispanic, 2.6 % were White/Caucasian, 2.6% reported more than one race. 60.3 % of the youth surveyed live in District 10, of these 57% live in Hunters Point, 13% live in Candlestick Point/Executive Park. 11% live in Potrero Hill, 15% live in Visitacion Valley.

Out of a total of 42 question asked on the survey, Youth With a Plan have selected the top questions and responses that we believe are important for City Officials and planners to know in order to properly address the needs of youth in District 10. We have found that safety is a reoccurring concern for youth in District 10 and should be addressed during the evaluation of impacts on the Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project Draft Environmental Impact Report. What follows below are additional comments gathered from youth by LEJ via this program.

Respectfully Submitted By,


Malik Looper, Executive Director
Literacy for Environmental Justice


Rachel Russell, Program Manager
Youth With A Plan

83-1
cont'd.

**Public Comments on the November 12, 2009 Candlestick Point-Hunters Point Shipyard
Phase II Development Plan Project Draft EIR**

TRANSPORTATION

Safety on transportation is a major concern for youth. An astounding 97.1 % of youth have witnessed a crime while on MUNI/school bus. 89.6 % of the youth surveyed ride MUNI. 73.1 % of the youth surveyed feel unsafe riding MUNI or the school bus in District 10 communities.

How many youth have witnessed a crime while on MUNI/school bus?

- 97.1% of youth surveyed have witnessed a crime while on the MUNI or a school bus

Out of youth riding MUNI/school bus in the following neighborhoods (3rd Street, West Point, Harbor, Oakdale, Alice Griffith/Double Rock, Visitation Valley, Potrero Hill, or Candlestick Park/Executive Park), how many feel unsafe?

- 73.1% of the youth surveyed feel unsafe riding the MUNI or a school bus in the following neighborhoods (3rd Street, West Point, Harbor, Oakdale, Alice Griffith/Double Rock, Visitation Valley, Potrero Hill, or Candlestick Park/Executive Park)

How many kids ride MUNI?

- 89.6% of youth surveyed ride the MUNI

Out of the youth surveyed, how many have witnessed sexual harassment while on the MUNI or school bus?

- 34.2% of the youth surveyed have witnessed sexual harassment while on the MUNI or school bus

COMMENT: *We believe that safety of youth on transportation should be addressed.*

HOUSING

During our survey we asked youth if they live near a toxic producing location. We considered near to be any location that is close enough to be considered a concern to one's health. 73.2% of youth surveyed live near one or more toxic-producing location (auto repair shop, dry cleaners, freeways and/or a gas station). 23% of youth surveyed live near a power plant, waste treatment facility or the Hunters Point Naval Shipyard. We also found that of the youth living near a current or past toxic-producing location 46.8% have a family member or is dealing with chronic health issues such as asthma, cancer diabetes or heart disease.

Auto repair shops, dry cleaners, freeways and gas stations all produce toxic chemicals. How many youth live near one of these toxic-producing locations?

- Auto repair shops, dry cleaners, freeways and gas stations all produce toxic chemicals.
73.1% of youth surveyed live near one of these toxic-producing locations

How many youth live near a power plant, a waste treatment plant or the Hunters Point Naval Shipyard?

- 23.9% of youth surveyed live near a power plant, a waste treatment plant or the Hunters Point Naval Shipyard

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83-3

How many youth that live near a power plant, waste treatment plant, auto repair shop, dry cleaner, freeway, gas station or the Hunters Point Naval Shipyard have a family member or is dealing with chronic health issues such as asthma, cancer, diabetes or heart disease?

- 46.8% of youth who live near a power plant, waste treatment plant, auto repair shop, dry cleaner, freeway, gas station or the Hunters Point Naval Shipyard have a family member or is dealing with chronic health issues such as asthma, cancer, diabetes or heart disease

Out of the youth surveyed how many do not feel safe in their communities?

- 12.2% of the youth surveyed do not feel safe in their communities

Out of the youth surveyed, how many live in public housing?

- 47.7% of the youth surveyed live in public housing

How many youth have water leaks in their homes?

- 13.8% of the youth surveyed have water leaks in their home

COMMENT: *We believe housing development considerations need to address the environmental health of youth and their families.*

YOUTH DEVELOPMENT AND EDUCATION

What are the top five extracurricular activities that youth are interested in?

- The top 5 extracurricular activities that youth surveyed are interested in are:
 - o Music: 83.3%
 - o Sports: 81%
 - o College prep: 78.6%
 - o Driving education: 73.8%
 - o Technology: 69%

How many youth are interested in extracurricular activities?

- 100% of the youth surveyed are interested in extracurricular activities

How many youth think that their school has adequate facilities?

- 30.7% of youth surveyed think that their school has adequate facilities

How many youth feel safe at their after school or summer programs?

- Among youth surveyed who attend an after school or summer program, 83.3% feel safe at their after school or summer program

COMMENT: *We believe that the need for age-appropriate extracurricular activities for youth should be addressed.*

83-3
cont'd.

83-4

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PARKS AND OPEN SPACE

Safety is also a concern for youth at their local parks. Only 44.1% of youth surveyed feel safe at their local park. 85.2% of youth surveyed have witnessed a crime at the park they visit.

How many actually go to their local park (the nearest one)?

- 78.9% of youth surveyed actually go to their local park (the one nearest to their home)

How many youth have witnessed a crime at the park they visit?

- 85.2% of youth surveyed have witnessed a crime at the park they visit

How many youth feel safe at their local park?

- 44.1% of youth surveyed feel safe at their local park

COMMENT: *We believe that the need for safe local parks and open space should be addressed.*

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Contents

Analysis of Transportation Impacts (prepared by LSA and Associates)

Analysis of Biological and Habitat Impacts (prepared by Mike McGowan)

Final Alternatives for Study (prepared by Marcel Wilson and Saul Bloom)

Preliminary comments on selected impacts and mitigation measures listed in Table ES-2.
Michael F. McGowan, Ph.D. Staff Scientist, Arc Ecology. 12/8/2009

Impact AQ-4 Operation of the Project would violate BAAQMD CEQA significance thresholds for mass criteria pollutant emissions from mobile and area sources and contribute substantially to an existing or projected air quality violation at full build-out in the year 2029.

1. This significant and unmitigated impact exacerbates local environmental injustice with respect to public health and constitutes a cumulative negative impact on the quality of the environment for the city of San Francisco and the Bay Area. The project should be modified such that project air quality emissions would neither worsen existing air quality, nor contribute substantially to projected air quality violations.

Impact HZ-1 Construction activities associated with the Project would not expose construction workers, the Public, or the environment to unacceptable levels of hazardous materials as a result of the disturbance of soil and/or groundwater with known contaminants from historic uses.
Impacts HZ-2 to HZ-14

2. The mitigation measures proposed for these potentially significant impacts are not spelled out in adequate detail to judge whether they would be effective in mitigating the impacts to less than significant. Stating that a plan will be made later to mitigate any hazardous release from construction impacts is not a mitigation measure but a promise of the intent to have a mitigation measure. There is no certainty that any mitigation measures will be possible, therefore these impacts should be considered potentially significant and unmitigable, not less than significant and mitigable.
3. This comment applies especially to **HZ-10b** and its mitigation measure. The installation of pilings through a landfill cap that will be used to contain likely, but unspecified contaminants including radiological materials is extremely problematic. This impact should be considered potentially significant and unmitigable. An unmitigable radiological release is not acceptable, therefore the plan needs to be revised to provide a clear alternative to any option for placing pilings through the cap or cover into contaminated fill.

Impact HZ-15 Construction and grading activities associated with the Project would not disturb soil or rock that could be a source of naturally occurring asbestos in a manner that would present a human health hazard.

MM HZ-15 Asbestos Dust Mitigation Plans and Dust Control Plans.

83-6

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83-9

4. The asbestos air monitoring should be required, not at the option of BAAQMD, because the “no visible dust” standard does not protect against asbestos dust which is not visible to the naked eye.
5. The threshold of asbestos concentration requiring shut-down and implementation of dust control measures should be specified based on accepted cancer risk assessment guidelines and Hunters Point current standards, i.e., fewer than 1 in 10,000 excess cancers.
6. Mitigation should include hiring an independent third party to validate the positioning of the asbestos dust monitors and to review and report the monitoring data to the public.

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cont'd.
83-10
83-11

Impact BI-10a and BI-10b and BI-10c Construction of the Candlestick Point would require the removal of hard substrates (riprap) used by native oysters, but would not have a substantial adverse effect, either directly or through habitat modifications, on this species.

83-12

7. This impact statement is incorrect because the hard substrate used by native oysters is the limiting habitat for the species, therefore removing it would be a significant impact. Acceptable mitigation would be replacement of the square footage of hard substrate with a similar amount of hard substrate preferably made from oyster shells. The mitigation habitat could be placed at or below the tide level of the hard substrate removed by the project. The mitigation should be monitored by a competent biologist to demonstrate successful mitigation.

Impact BI-11c Construction of the Yosemite Slough bridge would not have a substantial adverse effect on designated critical habitat for green sturgeon and Central California Coast steelhead through permanent and temporary impacts to aquatic and mudflat foraging habitat.

83-13

8. The mitigation measures for this impact are not complete. A Section 7 consultation with the National Marine Fisheries Service is required to determine potential impacts to green sturgeon and their critical habitat in San Francisco Bay. Depending on the outcome of this consultation, the impact may not be mitigable, in which case the bridge would not be allowed. This should be spelled out clearly in the project description.

Impact BI-19a Implementation of the Project at Candlestick Point would not result in impacts to aquatic organisms through the re-suspension of contaminated sediments.

83-14
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9. Re-suspension of sediments potentially impact eelgrass, macroalgae, and phytoplankton by blocking sunlight. The potential impacts of re-suspended sediments, whether contaminated or not, on such organisms should be evaluated, or there should be a full explanation why not.

Impact BI-19b and Mitigation Measure MM BI-19b.1 Work Windows to Reduce Maintenance Dredging Impacts to Fish during Operation of the Marina.

10. The LTMS (2001) standard is no longer the only regulation that must be considered to protect fish and fish habitat from impacts of dredging. There are no work windows for green sturgeon (federal) or longfin smelt (state) so Section 7 consultations and/or California Department of Fish and Game biological opinions will need to be prepared to mitigate for potential dredging impacts. In addition, if any eelgrass beds are nearby, then light monitoring in compliance with National Marine Fisheries Service protocols will need to be done as a condition of the dredging permits.

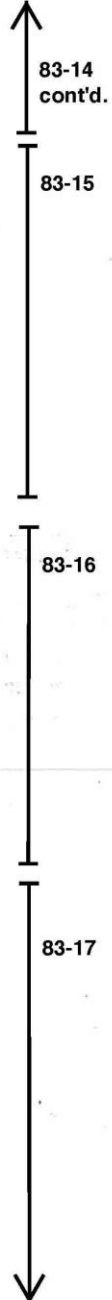
Impact BI-20a and MM BI-20a Lighting Measures to Reduce Impacts to Birds.

11. The proposed mitigation measure in MM BI-20a, "Use strobe or flashing lights in place of continuously burning lights for obstruction lighting. Use flashing white lights rather than continuous light, red light, or rotating beams." May not be permissible near water because the U.S. Coast Guard restricts flashing (strobe) white lights to emergency beacons. Please confirm that the use of white strobe lights to deter birds is allowed under these circumstances or propose a different mitigation measure.

MM BI-18b.1 Maintenance Dredging and Turbidity Minimization Measures for the Operation of the Marina. Maintenance dredging for the marina could remove or generate sediment plumes that could impact special status species, their habitats, and Essential Fish Habitat (EFH). To minimize this effect, the following measures shall be implemented by the Project Applicant:

1. Conduct a detailed survey for native oysters in all suitable substrates within the marina, (and the following under this Mitigation Measure).

12. This mitigation measure is ill-conceived to address habitat impacts of turbidity plumes from dredging in the new Hunters Point marina. First, native oysters have no special status under federal or state law except catch limits under the Fish and Game Code. Second, substrate within a marina is not the natural habitat of this species so possible effects of dredge sediment plumes are not relevant to protecting native oyster habitat within the marina. Third, dredge sediment plumes should be measured during the first dredging episode to assess potential impact, if any, outside the marina. If no impact is



found then the monitoring should not be needed in subsequent dredging episodes. Fourth, a detailed hydrodynamic plume model requires extensive data on bathymetry, tidal currents, and other factors, including actual verification and validation of the model by collecting field data. With good field data on the sediment plume there is no need for the model and its input data. Fifth, native oysters are widely distributed in San Francisco Bay but their settlement and survival in any one area is highly variable and good cause and effect relationships with, e.g., suspended sediment, are lacking. While monitoring and restoration of native oysters and their habitat in San Francisco Bay is a worthy endeavor, making it a costly requirement of maintenance dredging in a new marina is not justified.

83-17
cont'd.

MM BI-19b.1 in part "The spawning season for the Pacific herring is March 1 to November 30. Therefore, the window that shall be applied to minimize impacts to sensitive fish species (during which dredging activities cannot occur) is March 1 to November 30."

83-18

13. My comment. This statement about the spawning season is incorrect. In San Francisco Bay the spawning season for Pacific herring is October to April (California Department of Fish and Game website). Therefore an arbitrary dredging window would be May-September. In practice, regulation of dredging impacts on herring is done on an ad hoc basis using real time observations of herring spawning so as not to unnecessarily constrain dredging projects when there are no herring spawning in the bay. The LTMS 2001 Management Strategy Appendix F that was cited in the mitigation measure actually says that dredging will be restricted in historic herring spawning areas, when they are present, during December 1-February 28. Please change the wording in the mitigation measure to reflect the correct spawning season and the correct wording of the regulation with regard to Pacific herring.

Hazardous Materials

In MM HZ-1a: change the word "comparable" in the second paragraph to "equivalent" because the investigation and treatment should be at the same level of protectiveness in the CPSRA areas as in the land subject to San Francisco Health Department Article 22a.

83-19

The proposed mitigation measures seem appropriate if they are properly implemented. There should be a mechanism for peer review of the plans, independent verification of the performance of the mitigation, and community outreach to reassure and confirm the success of the mitigation as implemented.

83-20

Hydrology and Water Quality

The mitigation measures should specify that revegetation will be done with native, non-invasive species.

83-21

12 of 20

The mitigation measures should specify that shoreline improvements will incorporate the principles of natural, living shorelines, wherever feasible.

83-22

The allowance of three feet for future sea level rise may not be adequate. Other California authorities are using a 55 inches by year 2100 estimate. It would be prudent to allow for more sea level rise because it will be much easier to build out farther if sea level doesn't rise more than expected than it will be to protect existing structures from more than three feet of sea level rise if it does occur.

83-23

The proposed mitigation measures seem appropriate if they are properly implemented. There should be a mechanism for peer review of the plans, independent verification of the performance of the mitigation, and community outreach to reassure and confirm the success of the mitigation as implemented.

83-24

Shoreline Improvements

The frequent mention of the potential use of natural shorelines is to be commended. Arc Ecology endorses the use of living shorelines for erosion protection, public access and education, and habitat preservation and enhancement. The relative amounts of sandy beach and natural shoreline in the plan are small compared to their potential development. Please consider living shorelines for erosion protection where there is now deteriorating riprap, e.g., at much of the Candlestick Point shoreline where rubble riprap is ineffective, unattractive, and hazardous. Moreover, some areas suitable for natural shorelines were stated to be planned for riprap by the Navy. Please plan for natural shoreline areas at these locations and encourage the Navy to implement them as part of the remedy for contamination so they do not have to be redone later. Examples of these areas are Parcel B IR 7, Parcel B Drydocks 5 to 7, Parcel D Berths 16 to 20, Parcel E Berths 37-42, Parcel E-2 entire shoreline.

83-25

When considering the suitability of the natural, living shoreline, approach to shoreline protection and enhancement be sure to include the construction of deep intertidal and shallow subtidal eelgrass meadows and native oyster beds and reefs. These habitat enhancements also attenuate wave action and thus reinforce the effectiveness of marsh and wetlands plants in stabilizing soil along the shore.

83-26

COMMENTS ON THE CANDLESTICK POINT-HUNTERS POINT SHIPYARD PHASE II DEVELOPMENT PLAN PROJECT DRAFT EIR DATED NOVEMBER 12, 2009

Section 6, Page 30

Comment 1: “Under Alternative 2, motorized and non-motorized traffic would be required to circumnavigate Yosemite Slough because no bridge would be constructed.”

83-27

This statement misleads the reader by implying that additional automobiles would be added to the street network without the bridge when in fact, automobiles would not be allowed on the bridge. The section should correctly inform readers that neither the Project or Alternative 2 would provide bridge access for automobiles.

Comment 2: “The primary roadway connection for automobiles and other vehicular traffic between Candlestick Point and HPS Phase II...”

83-28

This statement is similarly misleading. A more accurate statement would inform the reader that the circulation system proposed for automobiles is the same for the Project and Alternative 2.

Figure VI-1

Comment 3: Although the text clearly indicates that the abandoned rail route would provide dedicated right-of-way for the BRT, the figure displays an “Alternative 2 Proposed BRT Route” along Ingalls Street. This could confuse readers who view the figure without reading the text in depth. Figure VI-1 should be corrected to show the BRT route along the RR ROW, as described in the text.

83-29

Comment 4: At the same time, the line along Innes Avenue should be discussed in the text or removed from Figure VI-1 if Figure VI-1 is in error.

83-30

Section 6, Page 32

Comment 5: The first paragraph should indicate that, similar to the project, the alternative BRT route would be “rail ready” (not to preclude possible conversion to light-rail). It is illogical to state that the rail right-of-way, to be utilized by the BRT to circumnavigate Yosemite Slough, would not be capable of accommodating rail.

83-31

Section 6, Page 33 – Transportation and Circulation

Comment 6: “The main roadway connection between Candlestick Point and HPS Phase II would be via Ingalls Street.”

This statement misleads the reader by implying that additional automobiles would be added to the street network without the bridge when in fact, automobiles would not be allowed on the bridge. A more accurate statement would inform the reader that the circulation system proposed for automobiles is the same for the Project and Alternative 2.

83-32

Section 6, Page 34 – Intersection Conditions

Comment 7: “In general, intersection conditions would be significant and unavoidable effect of Alternative 2.” This sentence misleads the reader into believing that Alternative 2 has significant impacts that the Project avoids, when in fact Alternative 2 and the Project have identical impacts to intersections. This section should inform readers that impacts of Alternative 2 are the same as the Project.

83-33

Comment 8: “During game days at the football stadium, with no Yosemite Slough Bridge, the entrance and exiting capacity for vehicles would be reduced about 40 percent compared to the Project; four out of a total 11 exit lanes would be available without the bridge.”

This statement is in error. Section III.D, page 45 indicates that one out of the bridge’s four lanes would remain open to off-peak direction traffic for local traffic and emergency vehicles. In addition, Alternative 2 would provide the same number of lanes accessing regional transportation facilities and the same number of lanes in the local street system. Only the number of lanes leaving the parking lot is reduced from ten to seven.

83-34

15 of 20

Comment 9: “A mitigation measure to implement a Travel Demand Management Plan for the stadium events would reduce but not avoid traffic impacts, which would be significant and unavoidable.”

83-35

This statement misleads the reader by implying that impacts associated with Alternative 2 cannot be mitigated whereas similar Project impacts could be mitigated. The statement should inform the reader that the Project’s Travel Demand Management Plan would also reduce but not avoid stadium traffic impacts which would also be significant and unavoidable.

Section 6, Page 34 – Transit Impacts

Comment 10: The second paragraph misleads the reader into believing that the Alternative 2 route does not provide dedicated right-of-way when in fact the alternative BRT route around Yosemite Slough would still operate in dedicated right-of-way and is technically feasible.

83-36

Comment 11: Pursuant to State CEQA Guidelines Section 15151, the EIR should provide a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which takes into account the environmental consequences of the project. While an EIR must contain facts and analysis, not just an agency’s conclusions or opinions (Citizens of Goleta Valley v. Board of Supervisors, 1990), no technical analysis is presented in the Draft EIR justifying the claimed travel time savings. Based on the additional distance around Yosemite Slough (3,205 feet) and average BRT travel speeds (20 to 25 miles per hour), the alternate BRT route should require between 1 minute 27 seconds and 1 minute 49 seconds of additional travel time.

83-37

Comment 12: Identical misleading statements regarding dedicated right-of-way and travel time are made in Appendix D (Transportation Study) and should be removed because these statements are not supported by facts or analysis presented in the Draft EIR.

83-38

Comment 13: The reference to VRT on this page is a typographical error.

83-39

Section 6, Page 58 – Attainment of Project Objectives

83-40

Comment 14: The statement that Alternative 2 would meet transportation-related objectives to a lesser extent than the Project is inconsistent with the remainder of the section and should be removed from the Final EIR. Earlier in Section 6 the Draft EIR states that construction, intersection, freeway, transit, bicycle, pedestrian, and parking impacts of Alternative 2 are the same as or similar to the Project (Section 6, Pages 33-35). Additionally, Appendix D (Transportation Study) makes the same conclusions:

- “Therefore, the traffic impacts associated with Alternative 2 would be the same as the Project.” (Page 235)
- Impacts at Mainline and Weaving Segments are the same (Page 212) and Impacts at Ramp Junctions are the same (Page 216)
- “As with the Project, Alternative 2 impacts on transit capacity would be less than significant.” (Page 288)
- “As with the Project, Alternative 2 impacts on bicycle circulation would be less than significant.” (Page 295)
- “As with the Project, Alternative 2 impacts on pedestrian circulation would be less than significant.” (Page 300)

Comment 15: Stating that Alternative 2 meets most of the Project objectives is incorrect. Like the Project, Alternative 2 provides for BRT connection between Candlestick Point and Hunters Point along dedicated right-of-way. Alternative 2 and the Project have identical traffic-related impacts. Additionally, the Draft EIR does not provide analysis demonstrating the necessity of the bridge to accommodate game day traffic (a scenario occurring only 10 or 12 times a year). Based on the analysis provided in the Draft EIR, Alternative 2 meets all the Project objectives while reducing impacts to Hazards and Hazardous Material (Section 6, Page 42), Geology and Soils (Section 6, Page 44), and Biological Resources (Section 6, Page 47).

Table VI-4 – Attainment of Project Objectives Alternative 2

Objective 1

Comment 16: The statement that removing the bridge eliminates direct transit connection is false; Alternative 2 provides a BRT connection in dedicated right-of-way.

↑
83-40
cont'd.

83-41

83-42

17 of 20

Comment 17: The statement that removing the bridge eliminates continuous shoreline and open space access contradicts the previous sentence which correctly states that Alternative 2 provides “the same shoreline improvements and open space network” as the Project.

83-43

Comment 18: Alternative 2 meets this objective to the same extent as the Project because a grade-separated connection is not necessary to produce tangible community benefits.

83-44

Objective 2

Comment 19: The statement that removing the bridge eliminates a direct connection between Candlestick Point and Hunters Point Shipyard is false; Alternative 2 provides a BRT connection in dedicated right-of-way.

83-45

Comment 20: Alternative 2 meets this objective to the same extent as the Project because direct connection is provided by transit in dedicated lanes and the opening of Crisp Avenue.

83-46

Objective 5

Comment 21: Alternative 2 includes the same stadium as the Project, the same number of lanes on local streets as the Project, the same connection to U.S. 101 as the Project, and meets Objective 5 as well as the Project. The technical analysis in the Draft EIR does not support the statement that a bridge over Yosemite Slough is necessary infrastructure. An EIR must contain facts, not just an agency’s conclusions or opinions (Citizens of Goleta Valley v. Board of Supervisors, 1990). Because the conclusion that the bridge is “necessary infrastructure” is not supported by fact, such statements should be removed from the Final EIR.

83-47

Comment 22: The Draft EIR does not provide an analysis of post-game traffic flow with and without the bridge. The Draft EIR only assumes that a greater number of lanes exiting the parking lot is beneficial. It is possible that a greater number of lanes exiting the parking lot will overwhelm the local street system without speeding the delivery of vehicles onto U.S. 101.

83-48

Comment 23: Because the Draft EIR does not provide an analysis of post-game traffic flow with and without the bridge, it is improper to make a conclusion that the bridge is necessary infrastructure. Such statements should be removed from the Final EIR.

83-49

Section 6, Page 160 – Environmentally Superior Alternative

Comment 24: “Alternative 2... would avoid Project impacts related to biological resources, water quality, and hazardous materials because the Yosemite Slough [bridge] would not be constructed. However, because the Yosemite Slough bridge would not be constructed, Alternative 2 would result in increased traffic-related impacts, particularly on game days.”

This statement is inconsistent with the analysis contained within the section. Earlier in Section 6 the Draft EIR states that construction, intersection, freeway, transit, bicycle, pedestrian, and parking impacts are the same as or similar to the Project (Section 6, Pages 33-35). Additionally, Appendix D (Transportation Study) makes the same conclusions:

- “Therefore, the traffic impacts associated with Alternative 2 would be the same as the Project.” (Page 235)
- Impacts at Mainline and Weaving Segments are the same (Page 212) and Impacts at Ramp Junctions are the same (Page 216)
- “As with the Project, Alternative 2 impacts on transit capacity would be less than significant.” (Page 288)
- “As with the Project, Alternative 2 impacts on bicycle circulation would be less than significant.” (Page 295)
- “As with the Project, Alternative 2 impacts on pedestrian circulation would be less than significant.” (Page 300)

Comment 25: Please explain how this paragraph can state Alternative 2 would result in increased traffic-related impacts when that statement is in direct conflict with Table VI-12: Comparison of the Significant and Unavoidable Impacts of the Project to Each of the Alternatives, which found Alternative 2 to be equal to the Project.

Comment 26: The Draft EIR assumes that a greater number of lanes exiting the stadium parking lot is beneficial, but provides no analysis demonstrating that the number of vehicles delivered by Ingalls Street and the bridge (three outbound lanes each) will not exceed the capacity of the Harney Way and 3rd Street ramps and U.S. 101. It is possible that metering the flow of vehicles exiting the parking lot, by not providing a bridge, would result in more efficient handling of vehicles and reduce the level of queuing and congestion on local streets.

Appendix D, Chapter 6, Page 288

83-50

83-51

83-52

83-53

Comment 27: The second paragraph of Alternative 2-No Bridge misleads the reader into believing that the Alternative 2 route does not provide dedicated right-of-way when in fact the alternative BRT route around Yosemite Slough would still operate in dedicated right-of-way and is technically feasible.

↑
83-53
cont'd.

Comment 28: Pursuant to State CEQA Guidelines Section 15151, the EIR should provide a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which takes into account the environmental consequences of the project. While an EIR must contain facts and analysis, not just an agency's conclusions or opinions (*Citizens of Goleta Valley v. Board of Supervisors, 1990*), no technical analysis is presented in the Draft EIR justifying the claimed travel time savings. Based on the additional distance around Yosemite Slough (3,205 feet) and average BRT travel speeds (20 to 25 miles per hour), the alternate BRT route should require between 1 minute 27 seconds and 1 minute 49 seconds of additional travel time.

83-54

Comment 29: The third paragraph of Alternative 2-No Bridge asserts that the alternative BRT route would increase travel time by 5 minutes and decreases ridership by 15 percent. These statements are not supported by analysis presented anywhere in the Draft EIR and should be removed from the Final EIR.

83-55

Comment 30: The travel time increase in the Draft EIR is similar to statements made in the Bayview Transportation Improvements Project (BTIP) Transportation Study dated August 15, 2008 which identified 4 minutes 37 seconds in travel time savings with the bridge. The BTIP, however, erred when determining the differences in travel time by adding 1 minute to the travel time of the no-bridge alternative west of the bridge and failing to add travel time across the bridge to the with-bridge alternative. It should be noted that the BTIP no-bridge alternative assumed the BRT would travel on Ingalls Street in mixed-flow lanes. Alternative 2 of the Draft EIR includes use of dedicated lanes within abandoned Navy rail right-of-way. The Project BRT route and Alternative 2 BRT route would both utilize dedicated lanes for the entire trip. Because the BRT would not travel in mixed-flow lanes in Alternative 2, the travel time savings of the bridge identified in the Draft EIR would be less than the corrected BTIP travel time savings.

83-56

Comment 31: The stated 5 minute increase in travel time with Alternative 2 is greatly exaggerated. Between Carroll Avenue and Shafter Avenue the bridge route would travel approximately 2,245 feet. The route around Yosemite Slough for Alternative 2 is approximately 5,450 feet. Stating that the trip around Yosemite Slough, in dedicated lanes, requires 5 additional minutes is equivalent to stating that the BRT has an average speed of 7.3 miles per hour.

83-57

20 of 20

Comment 32: Based on other BRT lines operating in dedicated lanes, the expected average speed should be between 20 and 25 miles per hour. This would equate to a travel time savings for the Yosemite Slough Bridge of between 1 minute 27 seconds and 1 minute 49 seconds.

83-58

Comment 33: Errors in calculating the travel time savings of the bridge were undoubtedly carried forward into estimations of BRT ridership to and from the Hunters Point Shipyard and impacts to route 28L-19th Avenue/Geneva BRT route. All analyses that utilized the incorrectly calculated travel time savings should be corrected and reported so that the actual costs and benefits of the bridge can be considered.

83-59

Appendix D, Chapter 6, Page 290

Comment 34: Please explain how development in Bayview (and specifically whether or not a bridge providing approximately 1.5 minutes of travel time savings is built) affects a bus line travelling between Daly City and the Presidio.

83-60

■ Letter 83: Arc Ecology (1/12/10)

Response to Comment 83-1

This comment contains introductory, closing, or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 83-2

The comment cites a number of statistics regarding crime rates on Muni, and comments that the safety of youth on transportation should be addressed. Although crime on Muni is an existing serious concern, the commenter provides no evidence suggesting that the Project would have any impact on crime rates on Muni.

Draft EIR page III.D-119 presents a discussion of potential pedestrian safety impacts resulting from increased travel demand. With the Project, the number of pedestrians on streets outside of the Project site would increase as a result of the expanded recreational uses, extension of transit lines, and overall increase in commercial activity in the area. Similar to the anticipated “safety in numbers” benefit from increased pedestrian activity in the Project area, the increase in Muni ridership and the general overall increase in pedestrians, bicyclists, and transit riders for a variety of purposes throughout the day could increase safety conditions on Muni and on the streets and sidewalks. No further analysis is required.

Response to Comment 83-3

Impact AQ-6, which is provided on Draft EIR pages III.H-33 through -34, assessed the environmental health concerns associated with Project operation. Because new R&D facilities would be located on HPS Phase II, the potential for cancer and non-cancer health risks was evaluated. With certain locational requirements identified in MM AQ-6.1 and MM AQ-6.2, potential exposure would be below the BAAQMD thresholds. Consequently, future residents of HPS Phase II would be protected from significant health effects.

The BAAQMD is recommending community-scale impact analyses for TAC and PM_{2.5}. Refer to Master Response 19 (Proposed BAAQMD Guidelines), which provides updated community-scale analyses based on the most recent guidance. Refer also to Master Response 5 (Health of the Bayview Hunters Point Community) for a discussion of health outcomes in the Bayview community.

Response to Comment 83-4

This comment does not provide a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 83-5

Provisions for adequate law enforcement services are discussed on pages III.O-1 through -12 of Draft EIR Section III.O (Public Services). The Draft EIR identified no need for new or improved services as a result of the Project. Also, the Project aims to provide high-quality parks that will encourage use and help anchor a vibrant, safe community. This comment is not a comment on the technical adequacy of the environmental analysis of the Project.

Response to Comments 83-6

Comments 83-6 through 83-26 are identical to Comments 82-2 through 82-22. Therefore, the following responses to these comments 83-6 through 83-25 reference the corresponding responses in Letter 82 without the need to summarize the issues.

Refer to Response to Comment 82-2.

Response to Comment 83-7

Refer to Response to Comment 82-3.

Response to Comment 83-8

Refer to Response to Comment 82-4.

Response to Comment 83-9

Refer to Response to Comment 82-5.

Response to Comment 83-10

Refer to Response to Comment 82-6.

Response to Comment 83-11

Refer to Response to Comment 82-7.

Response to Comment 83-12

Refer to Response to Comment 82-8.

Response to Comment 83-13

Refer to Response to Comment 82-9.

Response to Comment 83-14

Refer to Response to Comment 82-10.

Response to Comment 83-15

Refer to Response to Comment 82-11.

Response to Comment 83-16

Refer to Response to Comment 82-12.

Response to Comment 83-17

Refer to Response to Comment 82-13.

Response to Comment 83-18

Refer to Response to Comment 82-14.

Response to Comment 83-19

Refer to Response to Comment 82-15.

Response to Comment 83-20

Refer to Response to Comment 82-16.

Response to Comment 83-21

Refer to Response to Comment 82-17.

Response to Comment 83-22

Refer to Response to Comment 82-18.

Response to Comment 83-23

Refer to Response to Comment 82-19.

Response to Comment 83-24

Refer to Response to Comment 82-20.

Response to Comment 83-25

Refer to Response to Comment 82-21.

Response to Comment 83-26

Refer to Response to Comment 82-22.

Response to Comment 83-27

Comments 83-27 through 83-60 are identical to Comments 82-35 through 82-68. Therefore, Responses to Comments 83-27 through 83-60 refer to the corresponding responses in Letter 82 without the need to summarize the issues.

Refer to Response to Comment 82-35 for text changes to the description of Alternative 2.

Response to Comment 83-28

Refer to Response to Comment 82-36.

Response to Comment 83-29

Refer to Response to Comment 82-37.

Response to Comment 83-30

Refer to Response to Comment 82-38.

Response to Comment 83-31

Refer to Response to Comment 82-39.

Response to Comment 83-32

Refer to Response to Comment 82-40.

Response to Comment 83-33

Refer to Response to Comment 82-41.

Response to Comment 83-34

Refer to Response to Comment 82-42.

Response to Comment 83-35

Refer to Response to Comment 82-43.

Response to Comment 83-36

Refer to Response to Comment 82-44. Refer also to Response to Comment 82-27 for revisions to Figure VI-1 and a description of BRT routing.

Response to Comment 83-37

Refer to Response to Comment 82-45. Refer also to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 47-4 and 82-30 for discussion of BRT travel time estimates.

Response to Comment 83-38

Refer to Response to Comment 82-46. Refer also to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 47-4 and 82-30 for discussion of BRT travel time estimates.

Response to Comment 83-39

Refer to Response to Comment 82-47.

Response to Comment 83-40

Refer to Response to Comment 82-48.

Response to Comment 83-41

Refer to Response to Comment 82-49.

Response to Comment 83-42

Refer to Response to Comment 82-50. Refer also to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for BRT routing under Alternative 2.

Response to Comment 83-43

Refer to Response to Comment 82-51.

Response to Comment 83-44

Refer to Response to Comment 82-52.

Response to Comment 83-45

Refer to Response to Comment 82-53. Refer also to Response to Comment 82-50 for discussion of BRT routing for Alternative 2 and Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for BRT routing under Alternative 2.

Response to Comment 83-46

Refer to Response to Comment 82-54.

Response to Comment 83-47

Refer to Response to Comment 82-55.

Response to Comment 83-48

Refer to Response to Comment 82-56. Refer also to Response to Comment 82-32 for discussion of capacity constraints at regional transit facilities and Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for BRT routing under Alternative 2.

Response to Comment 83-49

Refer to Response to Comment 82-57.

Response to Comment 83-50

Refer to Response to Comment 82-58.

Response to Comment 83-51

Refer to Response to Comment 82-59. Refer also to Response to Comment 82-26 for revisions to Alternative 2 impact discussion.

Response to Comment 83-52

Refer to Response to Comment 82-60.

Response to Comment 83-53

Refer to Response to Comment 82-61. Refer also to Response to Comment 82-27 for revisions to Figure VI-1 and description of BRT route.

Response to Comment 83-54

Refer to Response to Comment 82-62. Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 47-4 and 82-30 for an estimate of BRT travel time around Yosemite Slough.

Response to Comment 83-55

Refer to Response to Comment 82-63. Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 47-4 and 82-30 for an estimate of BRT travel time around Yosemite Slough.

Response to Comment 83-56

Refer to Response to Comment 82-64. Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 47-4 and 82-30 for an estimate of BRT travel time around Yosemite Slough.

Response to Comment 83-57

Refer to Response to Comment 82-65. Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 47-4 and 82-30 for an estimate of BRT travel time around Yosemite Slough.

Response to Comment 83-58

Refer to Response to Comment 82-66. Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) and Responses to Comments 47-4 and 82-30 for an estimate of BRT travel time around Yosemite Slough.

Response to Comment 83-59

Refer to Response to Comment 82-67. Refer also to Response to Comment 82-30 for discussion of BRT travel time estimates.

Response to Comment 83-60

Refer to Response to Comment 82-68.

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■ Letter 84: Arc Ecology (1/12/10)

1 of 23

Letter 84

Arc Ecology

Environment, Economy, Society, & Peace

January 12, 2010

Mr. Stanley Muraoka
Environmental Project Officer
San Francisco Redevelopment Agency
One South Van Ness Avenue
San Francisco, CA 94102



Mr. Muraoka:

Attached please find the Alternatives for Study commentary on the Candlestick Point Hunters Point Shipyard Draft Environmental Impact Report and supplementary materials from LSA Associates, Far West Engineering and other associated comments and materials. Arc Ecology by reference incorporates the Santa Clara Draft Environmental Impact Report for the proposed Forty Niner Stadium.

We are submitting this comment under protest for the inadequate extension of the public comment period which we believe unfairly penalizes the public's review of this Draft Environmental Impact Report.

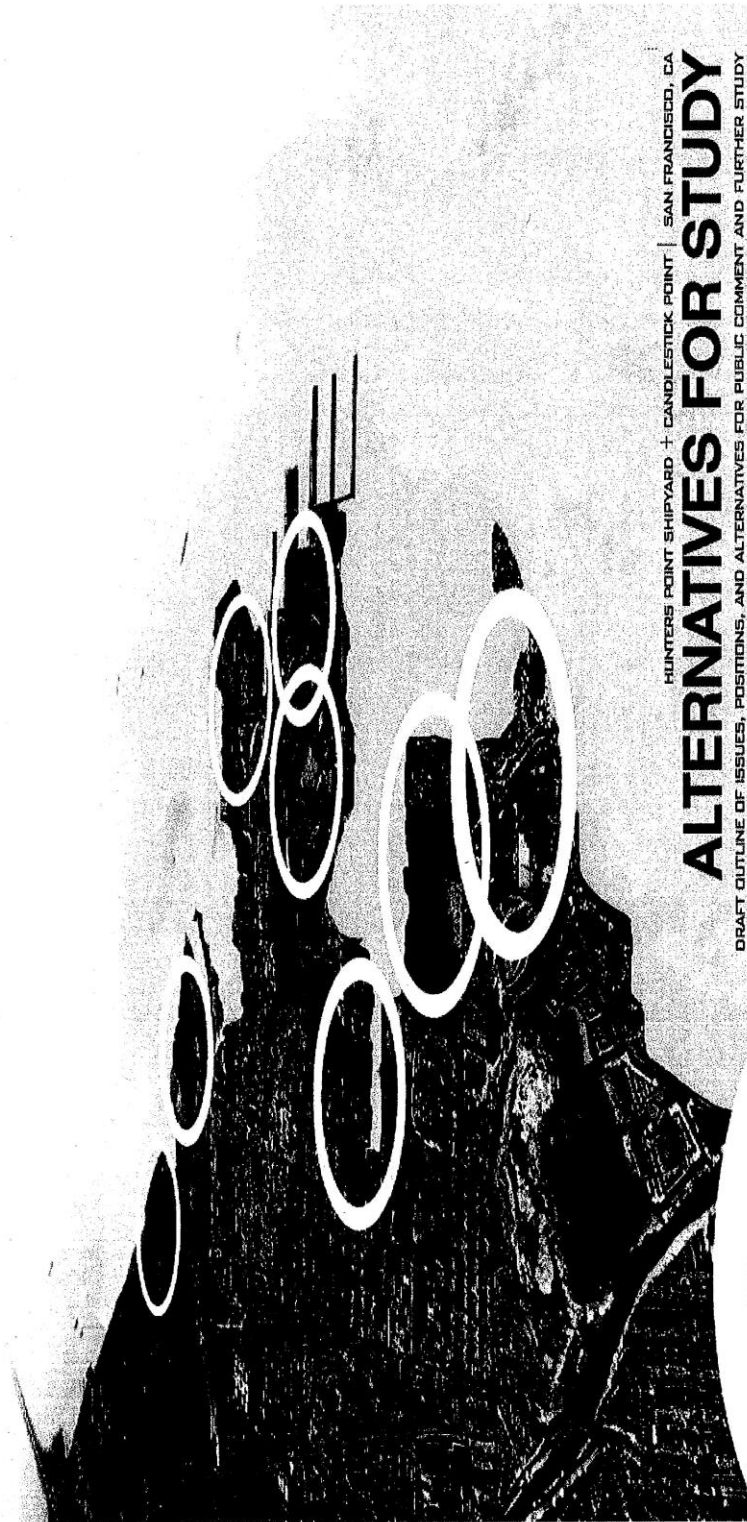
Thank you,



Saul Bloom
Executive Director

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HUNTERS POINT SHIPYARD + CANDLESTICK POINT | SAN FRANCISCO, CA
ALTERNATIVES FOR STUDY
DRAFT OUTLINE OF ISSUES, POSITIONS, AND ALTERNATIVES FOR PUBLIC COMMENT AND FURTHER STUDY

**COMMENTARY ON THE CANDLESTICK POINT HUNTERS POINT SHIPYARD DRAFT ENVIRONMENTAL IMPACT
STATEMENT JANUARY 12, 2010**

Preface

The purpose of this *Final Alternatives for Study Preferred Alternatives Report (AFS FINAL)* is to present two of the Alternatives discussed in the DEIR in a different light, thereby demonstrating how a different orientation toward this effort could satisfy the criteria established for the development while lessening its environmental impacts. We present this document as commentary on the Candlestick Point Hunters Point Shipyard DEIR.

Arc Ecology
Golden Gate Audubon
Kristine Enea, resident of India Basin
Literacy for Environmental Justice,
Sierra Club San Francisco Bay Chapter,
Scott Madison, former Chair, Hunters Point Shipyard Citizens Advisory
Committee
Urban Strategies Council
Visitation Valley Greenway Project
Visitation Valley Planning Alliance

Alternatives for Study: Comments on Candlestick Point Hunters Point Shipyard DEIR - Final Page 2

Alternatives for Study – Presentation of Final & Preferred Project Alternatives

In January 2009, Arc Ecology and our consultant planning team from Bionic Planning & Landscape produced and distributed *Hunters Point Shipyard & Candlestick Point Alternatives for Study: Draft Outline of Issues, Positions and Alternatives for Public Comment and Further Study DRAFT (AFS DRAFT)*. The goal of Alternatives for Study was to “address shortcomings” within the City’s and Lennar’s planning process and investigate issues and strategies to help inform the development of the Candlestick Point Hunters Point Shipyard Draft Environmental Impact Report.

After the release of the report, a series of three Alternatives for Study community dialogues were held at the Bayview Opera House. The purpose of these dialogues was to engage community residents in a discussion regarding the concepts posed in AFS, provide the attending public with an overview of the planning and entitlement process for the Candlestick Shipyard development, and to deepen our understanding of how residents used transit and gain their views on how transit in the Bayview could be improved. Over the course of these workshops the Urban Strategies Council and the Sierra Club San Francisco chapter joined the process of sponsoring the dialogues and, thus, the project grew beyond Arc Ecology to something larger. Some 200 unduplicated individuals attended the AFS Dialogues.

A fourth “workshop on wheels” was provided at which members of the Shipyard Citizens Advisory Committee, Project Area Committee, and members of other related advisory committees toured China Basin Park, the Embarcadero, the Moscone Playing Fields, Crissy Field, Coyote Point, and Candlestick Point State Recreation Area to compare and contrast the park and open space strategies proposed in the Lennar Urban Design plan with actual examples. Participants in the tour filled out a survey to help us understand their response to what they had seen.

On November 12, 2009, eleven months after the release of AFS DRAFT, the San Francisco Redevelopment Agency and the Planning Department produced the Candlestick Point Hunters Point Shipyard Draft Environmental Impact Report (DEIR).

AFS Comment 1: Unfortunately, many of the same shortcomings identified in AFS Draft remain in place today.

- The DEIR does not provide a comprehensive sustainability plan, although elements are presented as impact mitigations;
- The DEIR fails to address other adjacent development projects such as the Area C plan, piecemealing the evaluation of the project’s impact;
- The DEIR fails to present reasonable justification and/or mitigations for the impacts of locating the proposed stadium on the Shipyard;
- The DEIR fails to evaluate the potential for the development of port-related heavy industrial activities on the Hunters Point Shipyard, possibly excluding this use from future consideration for this site;
- The DEIR does not evaluate the alternate route around Yosemite Slough proposed by the environmental community to protect and enhance the environment of the last unbridged inlet of San Francisco Bay on San Francisco’s eastern waterfront;
- The DEIR does not adequately disclose the massing and girth of structures on Candlestick Point despite the substantial variance in environmental impacts these factors might produce;
- The DEIR inaccurately analyzes the environmental benefits of alternate park, open space, shoreline, and waterfront access activities;
- The DEIR does not address the CEQA and Proposition P implications of early transfer.
- The DEIR does not adequately address impacts to wildlife species

AFS Comment 2: The public comment period was inadequate for a document this complex; the release of the DEIR over the winter holiday season undermined public review; in particular, the short time for review and the timing of the release added to the difficulty of compiling these comments; the release of the DEIR at this time contravenes a commitment made by the Mayor's office of this and prior administrations to refrain from releasing a shipyard related document like this over the holidays.

There is the sense among some in San Francisco's political community that organizations and individuals asking for an extension of public comment periods are simply waging a project opposition campaign by other means. This is unfortunate. True, some may attempt to wage a campaign of delay to bring down a project, but there is danger in this view because it discounts the views of those, like the organizations contributing to these comments, that support the project but see serious deficiencies, wish to address those weaknesses in the proposed plan and contribute proposals to make substantive improvements.

Were government and industry always right, a public comment period would be unnecessary. However the California Environmental Quality Act and its associated Environmental Impact Report Process were enacted precisely because government and industry aren't always right.

CEQA was created because projects have environmental impacts. CEQA was created because the neighborhoods, the interested public, and those we share this planet with were being forced to live with the consequences of bad decisions by government and industry. These decisions often imperiled their health, environment, livelihood and community. Therefore, CEQA was created to ensure that the public understood the large details of a project and its impacts on the environmental health and wellbeing of the affected community and its ecology.

Governments and industry frequently focus on this specific aspect of CEQA; that environmental impact reports are disclosure documents. Often the argument goes as follows: because an EIR is effectively a

disclosure document, and because there have been numerous public discussions, presentations, and meetings, extending public comment periods are unnecessary. This, however, is only part of the story because CEQA does one other important thing, it gives the participating public legal standing in the decision making process regarding a project's approval. For the length of a public comment period, during that brief moment of time in the lifespan of a project, the door has been opened to the public to read, learn, and opine on its impacts. Government and industry must then respond in writing to these concerns on pain of possible lawsuit.

Furthermore, not only is the decision-making authority formally opened for that time only, it is also a requisite for a project's approval. Without an approved Environmental Impact Report, a project cannot be permitted and built.

In the seven meetings before the Hunters Point Shipyard Citizens Advisory Committee, the Bayview Hunters Point Project Area Committee, the Redevelopment Commission and the Planning Commission, this point was never mentioned and understandably so. If one views these procedures as a battleground, one does not disclose a potential tactical advantage to one's potential adversary. One certainly would try to minimize any extension of the public review process because the longer the look, the better a project and its impacts are understood, and the flaws of any report are identified.

The rub is, of course, that a democracy exists only through the informed consent of the governed and that efforts to hide the ball, unreasonably limit public comment periods, and limit the public's understanding of a process are all inherently unhealthy for our system.

On a very practical level, the release of the DEIR over the holidays, and the inadequate review period:

- Dramatically limited the time professional consultants had to review portions of the DEIR;

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undermined by the lack of a credible messenger. This individual notwithstanding, the San Francisco Planning Department is in possession of documentation regarding the presence of Ohlone artifacts in the vicinity of the project area. The Planning Department is also in possession of a list of Ohlone leaders to contact when a project planned for this area may come into conflict with known—and areas with potential—finds of patrimony and archeological/ historic significance.

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- Made it very difficult to acquire documents referenced in the DEIR but not included in the DEIR and other assistance since Agencies and Departments were closed and staffs were on vacation;
- Made it impossible for us to conduct public workshops to gain constituent feedback on the DEIR.

AFS Comment 3: The problems with the DEIR public comment process are further complicated by the appearance that the City may be in violation of the State's requirements to notify Native Americans. Discussions with representatives of the Ohlone People indicate that the San Francisco Planning Department was in possession of an official list of Ohlone representatives to contact in these instances, but that they failed to contact any of these individuals. The lack of specific formal notification and the failure to extend the deadline for public comment period to allow the Ohlone to properly evaluate the document and obtain technical services in that regard has undermined their capacity to comment, further disenfranchising this community.

Bayview Hunters Point is a polyglot community with residents hailing from all corners of the globe. Of this multitude of communities, the African American community is a plurality and it continues to confront many of the historic challenges that have marred this nation's history.

One community that has been all but invisible in Bayview Hunters Point is Native Americans and, specifically, the Ohlone, who are the indigenous residents of Bayview Hunters Point with historic hunting grounds on both Hunters Point and Bayview Hill prior to the invasion of Spanish settlers. The DEIR presents the Ohlone associated with the project area as lost, the victims of western genocide. However remnants of the Ohlone People continue to live in Bayview Hunters Point and are part of a larger community of Ohlone who have recently rediscovered their historic roots to the district through research conducted in the archives of Mission Dolores.

Recent attempts to reassert an Ohlone voice into the process of redeveloping the Hunters Point Shipyard and Candlestick Point have been

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There is already good reason to be concerned about the management of the project relative to the rights of Native Americans. Recent inquiries into the process for preparing Parcel A for grading revealed that required archeological core samples may not have been taken. The failure to appropriately consult and the potential lack of samples may have seriously compromised the environmental review process. Ohlone representatives have indicated that a dialogue has recently opened with the Planning Department. Nevertheless, the cure for the failure to consult must be the extension of the public comment period for the DEIR to allow this community the opportunity to comment on the administrative record.

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AFS Comment 4: The Proposed Project presents the most significant and substantial impacts of any of the five scenarios presented in the DEIR.

While CEQA does not require the selection of the scenario with the least damaging environmental impacts, the DEIR Executive Summary and descriptions of alternatives, use the term "reduced development" for anything but the full build out with stadium and bridge. This terminology suggests that anything other than the full development is somehow inferior to the other alternatives—as if the other alternatives don't live up to the full potential of the project. This pre-judges consideration of alternatives such that the most housing units and the highest impacts are presumed to be superior, with all other choices inferior. In effect, the alternatives are lumped in with the "no-project" alternative as unacceptable. This presentation is argumentative and prejudicial to a fair consideration of alternatives. The two AFS Alternatives presented below pose fewer and less substantial impacts than any of the DEIR discussed Alternatives.

AFS Comment 5: Brisbane Baylands

In the draft version of Alternatives for Study, the Brisbane Baylands were identified as a potential alternate site for a new 49ers Stadium. For a number of reasons it is likely that this site is the best in the region to host a new Stadium.

Like the Oakland Coliseum, this site fronts a major highway. The Brisbane Baylands site fronts Highway 101 and is a few miles from Highway 380, which joins Highway 280 with 101. This makes the site accessible by essentially three freeways. Furthermore, the site is less than 15 miles miles further north from the San Mateo Bridge giving East Bay fans two major bridges from which to easily access the stadium. As such, the site is superior to that of the Coliseum, the Hunters Point Shipyard, and the proposed Santa Clara location for vehicular access. In addition, the site is located along what will in the future be the new BART Geneva extension, making access to the site from the southern portion of San Francisco more direct than it has been in the past.

The Brisbane site also provides opportunity for ample parking, which would have the impact of reducing parking on neighborhood streets in Visitation Valley, Little Hollywood and other adjacent communities.

Also like the Coliseum, the Brisbane site is located along a major commuter rail line – in this case CALTRAIN. The proximity to CALTRAIN makes this site easily accessible via mass transit from either San Jose or San Francisco. Furthermore, the adjacent location to CALTRAIN is vastly superior to that of an adjacent ferry terminal as the capacity for passengers is much greater. The nearby T Line, Geneva Avenue bus service, and SAMTRANS San Mateo Bus Service all make this site a highly effective location for access via mass transit.

Given its proximity to transit, freeways, and the lack of immediately adjacent neighborhoods, the Brisbane Baylands location is likely least impactful from an environmental, ecological, and public health standpoint.

The City rejected study of this site because it is not within San Francisco's jurisdiction. While this change of heart may make our adjacent neighbors very happy, the fact remains that San Francisco Airport, the Hetch Hetchy Reservoir, the Sunol Reservoir and most of the San Francisco Water Districts fresh water supply, the Hetch Hetchy Electrical Transmission Lines, and our County Jail all are located outside of the physical bounds of the City and County of San Francisco. Given this precedents, the argument that the Baylands lies outside of San Francisco and, therefore, cannot be considered is faulty. Furthermore, discussions with the staff and locally elected officials of the Brisbane City Government all indicated a willingness to enter into discussions regarding the potential location of a Stadium on the Baylands.

We recognize that the property is in private hands and that the Universal Paragon Corporation may see this use as significantly less profitable than their other plans for the site. Nevertheless, the failure to give this option serious consideration—a nearby site that is literally a ten minute drive from the stadium's current location and poses potentially fewer environmental impacts than any competing location—is a significant and important weakness of the DEIR.

AFS Comment 6: AFS Major Differences with the DEIR Preferred Plan

AFS 6A: Economic Development & Employment

The original goal for the redevelopment of the Hunters Point Shipyard was to help lift the residents and economy of Bayview Hunters Point out of poverty. While there is reason to be concerned that far too much responsibility for this goal has been placed on the Shipyard and Candlestick project, there is ample cause for concern that the economic development and employment strategy will not reach as far into the Bayview Hunters Point community as could reasonably be accomplished.

Economies and societies mirror the natural ecology in that the more diverse a system is, the more stable it becomes. The AFS analysis focused

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on the following criteria for investigating economic development and employment opportunities in the project area:

- Must include a broader range of industrial, commercial, small scale entertainment and hospitality business strategies and employment opportunities;
- Must give priority to activities that create jobs with a future and maximize long-term employment or career opportunities;
- Must include opportunities for ownership by District 10 residents.

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the Navy's pilot ship dismantling program had been discontinued, the Maritime Administration was shipping Non Retention Fleet vessels to Brownsville in Texas for dismantling, and a conveyance agreement for Shipyard Parcels had not yet been concluded.

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Today, however, the conditions are very different and this perspective needs to be reassessed. The Navy's aging fleet and other issues have created an environment in which the return of this asset to active duty can be contemplated.

DEIR Proposed Activities: The DEIR proposed project promotes four basic forms of economic activity:

- Construction (temporary/short term);
- Sports (temporary/short term);
- Retail & Entertainment (temporary/short term);
- Green Tech/ Research & Development (long-term & career oriented).

AFS Proposed Alternatives embrace these forms of economic and employment development strategies and add the following:

- Port-oriented Heavy Industry (temporary/ short terms/ long-term & career oriented);
- Enhancement of Waterfront Oriented Retail, Food & Entertainment.

AFS 6A.1: Heavy Industry - Maritime Activities: The lack of a meaningful assessment of Maritime Port usage for the Hunters Point Shipyard waterfront in the DEIR will preclude this use in the future, at a minimum requiring an additional costly supplemental EIR process.

In 1994, the San Francisco Redevelopment Agency and Arc Ecology cooperated in the creation of an obsolete ship recycling program. In 1995 the Navy leased the dry dock, and scrapping took place at the facility until the election of George Bush in 2000 when this pilot project was ended.

In 2002, it was not unreasonable to be skeptical about the potential for including maritime activities on the Hunters Point Shipyard. At that time,

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The Hunters Point Shipyard contains one of the most unique maritime assets on the West Coast of the United States: Dry Dock 4, the largest graven dry dock on the coast and the only such dry dock capable of hosting a 90,000 ton Nimitz Class Carrier – the largest class of Naval vessel. Changes in the maritime industry present new and important options for the Hunters Point Shipyard. A substantial portion of the Navy's fleet— particularly Capital Ships, the largest vessels in the Navy—are in excess of 25 years old and some are beyond their useful service life. As such, a new decommissioning and recycling program for these vessels is being contemplated. In addition, the Maritime Administration recently entered into an agreement with BAE at Pier 70 to conduct short term paint scraping and sea grass removal for vessels slated for sale or recycling. A contract is also being let at Mare Island for use of its dry docks for ship recycling. The Suisun Bay Non Retention Fleet offers a potentially permanent source of vessels for eventual recycling. While some of this work could be accommodated at Pier 70, ship recycling is a lengthy process and encumbering the floating dry docks at that location with this activity would interfere with an already thriving ship repair business. Augmenting the activities at Pier 70 with the use of dry docks at Hunters Point opens a new and exciting opportunity for local industry and neighborhood residents with metal and building trades experience with minor training requirements. Dry Dock 4 and the Shipyard's industrial waterfront afford an opportunity to expand this industry in San Francisco by bringing to market one of the truly unique assets of the facility.

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AFS 6A.2: Failure to present a robust study of the impacts of a substantial waterfront oriented retail, food & entertainment district within the DEIR may also preclude some or most of the activities potentially able to be located along this very important asset.

The Shipyard's second most significant economic development opportunity is its substantial waterfront. While the view from this waterfront is different than the dynamic scenery of the City's northeastern waterfront from AT&T Park to Crissy Field, the placid waters and East Bay and South Bay views, in combination with the best weather in San Francisco, offer an equally compelling development portfolio. On the other hand, improvements to the waterfront to make these assets viable require a deeper discussion within the DEIR relative to traffic, waste, and related issues. At this point the project descriptions for Hunters Point North and East seem to ignore this potential reuse and instead focus on more pedestrian and marina-oriented uses and impacts.

AFS 6B: Transit & Transportation

It is unclear from reading the DEIR whether the transportation analysis is based upon how the Bayview Hunters Point Community and the new residents of this development currently use and will use mass transit or whether it is based on how the MTC and the Developer would prefer for them to use transit and transportation. This difference is not insignificant because for these strategies to succeed they must meet both the user and the Agency/ Developer's needs.

AFS 6B.1: Extension of MUNI Lines. While some extension of the lines to the project area makes sense, a system providing better connection between the neighborhoods of Bayview Hunters Point should also be studied.

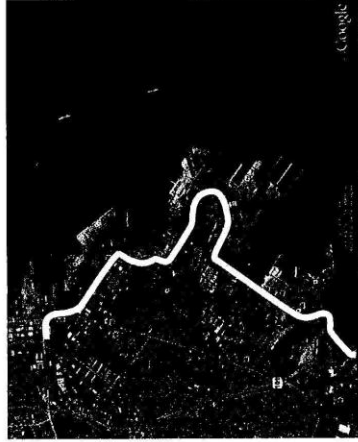
One consistent theme of the project appears to be that mass transit planners have focused on getting people to and from the project area through the Bayview, however connections to the neighborhood seem to be included only as stops along the way as opposed to destinations in and

of themselves. It is our view that this paradigm will exacerbate the community's feeling of isolation from the City and the project rather than their integration within the fabric of San Francisco as a whole.

Our recommendation is to study implementing a Bayview Hunters Point Loop route that connects the neighborhoods South to North utilizing Third Street as the transit hub, as well as providing connections to the City's outlying neighborhoods and downtown.

AFS 6B.2: The Yosemite Slough Bridge: Presentation of the Yosemite Slough Bridge as a transit-only or a game day traffic bridge is dishonest and is an effort to evade regulatory review what is essentially the proposed construction of an alternate Highway 101 Business Route equivalent. This route joins Harney Way, Hunters Point Expressway, the putative Arelious Walker Bridge, Crisp Avenue, Spring/Galvez, Innes, and Cargo Way to create a business bypass to either Third Street North or Highway 280 on the North side and Highway 101 on the South.

The image to the left shows the completed route. The segmentation of this route between the Candlestick Point Hunters Point Shipyard DEIR, the forthcoming Area C DEIR, and the prior Bayview Hunters Point Project Area Plan masks the full impact of the entire route. Total expected vehicular use, noise, congestion, and air pollution impacts are underestimated as a result of the failure to link the segments in one comprehensive analysis. Addressing this question in the forthcoming Bayview Transportation Improvement Project analysis undermines the assessment of the contribution of the Candlestick Hunters Point Shipyard project to the impacts of the route.



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AFS Comment 7: Alternatives to the Proposed Project

AFS 7A: Alternatives to the Proposed Project are not inconsistent with Proposition G

We believe other scenarios presented within the DEIR and below in this document are consistent with the goals and objectives outlined and supported by the voters in Proposition G. Proposition G, otherwise called the Jobs, Housing, Park, and Stadium initiative, called for the construction of a stadium on the Shipyard – pending environmental review. It is our conclusion that the DEIR demonstrates that the proposed Stadium on the Shipyard presents the most extreme environmental impacts of any of the DEIR proposed alternatives and, therefore, fails to meet the environmental review provision in Prop G. The scenarios presented herein, on the other hand, meet the Prop G criteria of creating housing, jobs, parks, and a premier stadium location as well or better than any of the scenarios evaluated in the DEIR.

AFS 7B: Criteria for AFS Alternative Development

- 1. Land use**
 - Must include all or most of the activities in the City/Lennar urban development plan/DEIR;
 - Must make more efficient use of available property based upon the Proposition G criteria of lawyers, guns and money;
 - Must avoid displacement of commercial/residential property;
 - Must not compete with development plans for Third Street or contribute to the blighting of other areas of BVHP.
- 2. Employment & Economic Development**
 - Must include a broader range of industrial, commercial, small scale entertainment and hospitality business strategies and employment opportunities;
 - Must give priority to activities that create jobs with a future and maximize long term employment or career opportunities;
 - Must include opportunities for ownership by D10 residents.
- 3. Sustainability**

- Low impact on surrounding environment/infrastructure;
- Must attempt energy self-sufficiency;
- Must be sustainable over next 100 year projected criteria.

4. Environment & Public Health

- Must create a livable, walkable community environment;
- Must meet Prop P cleanup criteria on Shipyard;
- Must be fully compliant with standards for residential development on non-shipyard project property.

5. Transit & Transportation

- Must service the needs of both the existing and new communities;
- Must reduce dependence on cars;
- Must increase available mass transit & make logical connections with existing BVHP transit grid.

6. Housing

- Must be consistent with the scale of the surrounding community;
- Must integrate subsidized housing/public housing into market rate developments;
- Must produce a similar number of units (+/- 1,000 u) as the Lennar/City project.

7. Parks & Open Space

- Must create an integrated strategy of park and open spaces;
- Must create logical and substantive connections between parks and open spaces, such as Bayview Hill and Candlestick Point State Park;
- Must enhance, not stress, existing biological resources and habitats and comply with ABAG guidelines for habitat preservation;
- Must create more park/open space area than existed prior.

8. Arts & Culture

- Must include African Cultural Cues & International African Marketplace;
- Must preserve the existing arts community and create a new arts district;
- Must include historical references focused on Native American, Samoan, & Naval activities.

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AFS 7C: Comparison of AFS Alternatives with DEIR Alternatives

These scenarios were developed after gaining feedback in four AFS community workshops held at the Bayview Opera House and Arc Ecology's offices. In addition, meetings with the City, Redevelopment Agency, Lennar, members of both the PAC and CAC, members of the India Basin Neighborhood Association, labor, other neighborhood groups, employment development organizations, as well as Potrero Hill and Visitation Valley based organizations, and City-wide/regional environmental organizations helped inform these alternatives. The scenarios presented include a new Arc Ecology variant of a southern R&D campus instead of a large retail development on Candlestick Point and housing on Parcels D and E. Both scenarios call for a heavy industrial port activity centered around Dry Dock #4.

AFS 7C.1: DEIR "Alternative 2: CP-HPS Phase II Development Plan; No Yosemite Slough Bridge"

Alternative 2 would have the same land use program proposed with the Project, including the State Parks agreement. Alternative 2 would not include the Yosemite Slough bridge. The main roadway connection between Candlestick Point and HPS Phase II would be via Ingalls Street. A bus rapid transit (BRT) route would be constructed along an abandoned railroad right-of-way to provide access between Candlestick Point and HPS Phase II. This alternative assumes that the 49ers Stadium is relocated to HPS Phase II and the Agency enters into an agreement with CPSRA to reconfigure CPSRA land in the same way as for the Project.

Summary of Impacts: This alternative was selected to avoid impacts to biological resources associated with bridge construction and operation. Significant traffic, noise, and air quality impacts would not be reduced." **CP/HPS DEIR 11-09**

AFS 7C.1a: Comparison with DEIR Alternative 2

The AFS Stadium Alternative keeps the Stadium on Candlestick Point, creates additional housing on the Hunters Point Shipyard, and includes a heavy industrial port-related application on Shipyard Parcel C as an additional layer of economic activity to supplement "green research and development" and other commercial enterprises proposed for the property. Because the stadium would remain on Candlestick, no bridge would be needed, reducing the overall cost of the project and eliminating the threatened impact on efforts to restore Yosemite Slough and adjacent habitats. Proximity to the Harney Way Highway 101 on-ramp would remain as it is currently, thereby eliminating one mile of additional driving to reach the Shipyard and providing the associated reduction in carbon. The AFS proposed BRT route around Yosemite Slough via the railroad right of way would be enhanced by a neighborhood oriented transit loop connecting the new development with the existing neighborhood, Third Street T line, other bus routes, and the Oakdale CAL Train Station. As a result, traffic, noise and air quality impacts would be less than that considered in this alternative. The current footprint of Candlestick Point would be adjusted away from the SB 792 boundary on the South Basin side to comply with ABAG minimum habitat width Guidelines. The AFS Alternative is superior to CP-HPS Alternative 2 because it eliminates the impacts of that Alternative, while enhancing open space connectivity, housing opportunity, and diversifying the types of industries located on the Shipyard. Air pollution impacts on Candlestick Point would resemble the no-project alternative.

AFS 7C.2: DEIR "Alternative 3: Reduced CP-HPS Phase II Development; San Francisco 49ers Stay at Existing Candlestick Park Stadium; Limited State Parks Agreement; Yosemite Slough Bridge Serving Only Transit, Bicycles, and Pedestrians"

Alternative 3 would be a reduced development alternative. Total housing with this alternative would be 5,210 units, about half of the units proposed with the Project. At Candlestick Point residential development would be decreased and retail and arena uses would not be developed. Replacement of the Alice Griffith Public Housing site would occur and consist of 1,210 housing units. Minor improvements would be made to the CPSRA under the

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Limited State Parks Agreement. At HPS Phase II, housing would be increased; other uses at HPS Phase II would be similar to the Project. A new Yosemite Slough bridge serving only transit, bike and pedestrian traffic would extend Arelious Walker Drive from Candlestick Point to HPS Phase II. This alternative assumes that the 49ers football team would continue to use the existing Candlestick Park stadium. At HPS Phase II, the alternative would not include a new 49ers Stadium. This alternative would result in greater transportation-related impacts on game days because vehicular ingress and egress to and from the stadium would be delayed and traffic levels would be increased on local streets, including Innes Avenue, Evans Avenue, and Ingalls Street.

This alternative was selected to provide an alternative to the Project that reduces construction related impacts generally and operational impacts associated with traffic, air quality, noise, demand for public services, biological resources, and other growth-related impacts. The development program of this alternative would be reduced compared to the Project and would generate fewer vehicle trips and reduce the area subject to development. This alternative would reduce traffic and noise impacts associated with an increase in vehicle trips and air quality impacts associated with Project construction and operation. This alternative would reduce impacts to biological resources associated with bridge construction and operation as a result of the narrower bridge footprint and reduced bridge traffic. Construction and/or operational impacts related to the amount of development and the development footprint, such as soil erosion and storm water runoff, as well as operational impacts related to population and employment growth, such as police and fire services, would also be reduced by this alternative. **CP/HPS DEIR**

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AFS 7C.2a: Comparison with Alternative 3

Alternative 3 is the closest comparison to the AFS Stadium Alternative. It comports with a developing perspective that a more limited approach to the project would constrain project costs and impacts making the entire development more affordable over a shorter period of time. The AFS Alternative differs from the DEIR alternative in the alignment of Stadium parking, the inclusion of the heavy industrial port activity on the Shipyard side, a larger housing configuration on the Shipyard site, the more integrative approach to park and open space systems – particularly as it regards to Bayview Hill, the focus on neighborhood-oriented loop transit to make trunk line connections, and the absence of a bridge across Yosemite Slough.

AFS does not find credible the assessment that this alternative, and particularly the lack of a bridge, would create an equivalent or greater impact of game day traffic on the Shipyard North-Side India Basin located streets of Evans and Innes. This route does not currently and is probably the least likely to suffer major impacts from a Candlestick Point located stadium as it poses the greatest challenges to easily accessing the site. Southbound traffic from either Highways 101 or 280 would select the closer more practical freeway exits of Silver, Paul, and Tunnel Road over the respective Caesar Chavez exits and a route that is essentially 5 miles longer. Northbound freeway traffic is also unlikely to forgo the current Harney Way and Third Street exits in favor of traveling another mile north to return southbound three miles through the India Basin neighborhood over Middle Point Road to the Bayside industrial flatlands along Ingalls. As a simple test of this theory, Arc Ecology asked Mapquest, Google, and Yahoo to provide routes to Monster Stadium; none identified this route. San Francisco residents would use such familiar main thoroughfare access strategies as Carrol, Gillman, Jamestown, and Geneva to Tunnel Road to Harney Way.

Impacts on Harney Way into Visitation Valley, Jamestown, Paul and Gillman would remain the same as in the no-project alternative, although a DPT controlled preferred routing alternative of Third Street to Carrol Street could channel traffic through the industrial Bayside as opposed adjacent neighborhood streets. The uncontrolled strategy incorporated

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into the DEIR's Alternative 3 seems likely to ensure that neighborhood streets would continue to be heavily impacted by game day traffic and the pursuit of free on-street parking. One community benefit offset would be to provide Bayview Hill community residents with a limited number of free parking permits per residence to enable DPT to ticket and, therefore, discourage game day nonresident parkers.

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AFS 7C.3: DEIR Alternative 4: Reduced CP-HPS Phase II Development; Historic Preservation; No HPS Phase II Stadium, Marina, or Yosemite Slough Bridge"

—Alternative 4 would also be a reduced development alternative. Total housing with this alternative would be 7,350 units, about 30 percent less than proposed with the Project. The proposed floor areas for most uses would be approximately 30 percent smaller at full build-out in comparison to build-out of the Project. No improvements would be made in the CPSRA. This alternative includes preservation of three potentially historic structures at HPS Phase II. This alternative does not include construction of a bridge over Yosemite Slough.

This alternative was selected to provide a reduced development alternative to the Project. This alternative would reduce the area subject to development and would avoid significant impacts to historic resources at HPS Phase II. Reduced development would result in fewer vehicle trips. This alternative would reduce traffic and noise impacts associated with the increase in vehicle trips and air quality impacts associated with Project operation and construction. This alternative would also avoid impacts to biological resources associated with bridge construction and operation. Construction and/or operational impacts related to the amount of development and the development footprint, such as soil erosion and storm water runoff, as well as operational impacts related to population and employment growth, such as police and fire services, would also be reduced by this alternative. **CP/HPS DEIR 11-09**

AFS 7C.3a: Comparison with Alternative 4

The AFS No Stadium Alternative builds upon some of the concepts presented in the DEIR while doing a superior job of maximizing employment, economic development, transit access, park and open space preservation and enhancement, and housing distribution. In the AFS No Stadium Alternative all of the same Shipyard assets discussed above are carried over. As such, heavy industrial activities, a research & development campus, the historic, arts and cultural district, parks and housing strategy remain the same. The AFS No Stadium Alternative also retains the marina. As such, the Shipyard side of the AFS Alternative remains an economically, socially, and environmental diverse project consistent with the Project objectives.

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cont'd.

On the Candlestick side, the AFS No Stadium Alternative presents a different mix than Alternative 4 as well. In this scenario the total number of housing units on this property would be reduced, and a southern research and development campus would take the place of the retail mall proposed for the site. The AFS alternative favors increased research and development over expanded retail opportunity because of its potential for higher paying career-oriented job development. By combining a second R&D campus with the heavy industry proposal, destination parks, and art, culture and historical attractions, it is the AFS position that this strategy hews closer to the intent the voters endorsed in the Jobs, Housing, and Parks slogan of Prop G than the DEIR proposed project.

AFS 7C.4: DEIR "Alternative 5: Reduced CP-HPS Phase II Development; No HPS Phase II Stadium, State Parks Agreement, or Yosemite Slough Bridge"

Alternative 5 would have the same land use program proposed with the Project, except that the new stadium at HPS Phase II and the Yosemite Slough bridge would not be constructed. The total number of housing units would be the same as the Project; however, because this alternative would not include the CPSRA boundary reconfiguration, the land area available for development would be smaller. Approximately 1,350 units would be shifted

84-26

AFS Comment 9: Summary of Comparisons of DEIR and AFS Project Alternatives

84-26 cont'd.

84-28

Activity	DEIR Alternatives	AFS Alternatives
Jobs & Economic Development		
• R & D	2 campuses	1 campus
• Retail	Concentrated in mall neighborhood serving on the Shipyard	First floor and neighborhood serving retail similar to other SF neighborhoods on both CP and HPS
• Commercial	Yes	Yes
• Heavy Industrial	No	Yes
• Port/ Waterfront	No	Yes
• Hospitality & Food	Yes	Yes
Waterfront or Shorefront	Yes	Yes
Stadium		
Neighborhood Serving Mass Transit	Limited to extending inter-district bus lines & Bus Rapid Transit line connection with BART and CALTRAIN	Yes, includes BRT & focuses on providing smaller neighborhood loop-oriented mass transit methods making transfer connections with to City and regional trunk line e.g. T line, and CALTRAIN
Housing: Providing between 5,000 and 10,500 units	Yes	Yes
Parks & Open Space	Less than 300 acres of new and replacement parks	More than 300 acres of new and existing parkland including integration with Yosemite Slough & Neighborhood
Bridge	Yes	No
Prop P Compliant Cleanup	No	Yes

from Candlestick Point to HPS Phase II. This alternative assumes a State Parks agreement does not occur and there is no agreement with the 49ers for a stadium at the Project site.

This alternative was selected to reduce construction impacts generally and to avoid impacts to biological resources associated with bridge construction and operation. Significant traffic, noise, and air quality impacts would not be reduced. Construction impacts that relate to the size of the development footprint would also be reduced by this alternative. **CP/HPS DEIR 11-09**

AFS 7C.4a: Comparison with Alternative 5

Alternative 5 could be configured to provide the benefits outlined in the AFS Stadium Alternative.

AFS Comment 8: Early Transfer & Implications for CEQA Review and Proposition P

It is our view that Early Transfer or the acceptance of a portion of the Federal Superfund cleanup responsibility in exchange for faster development brings that portion of the cleanup undertaken in this process under the umbrella of CEQA review for San Francisco and the Redevelopment Agency as an arm of the State. While exemptions apply within CEQA for jurisdictional changes with cleanup requirements, the acceptance of Early Transfer responsibility brings the City and Redevelopment Agency directly into the chain of responsible parties for cleanup liabilities. Furthermore, the strategies implementing early transfer requirements will have implications for the project's land use options. Given the City's possible responsibilities for implementing Early Transfer activities, it is also likely that the City's response in that regard is now covered by the terms of Proposition P, which was adopted by unanimous acclamation by the San Francisco Board of Supervisors under the sponsorship of Supervisor Maxwell and then Supervisor Newsom. These issues should be addressed in the DEIR.

84-29

AFS Comment 10: Attainment of Project Objectives

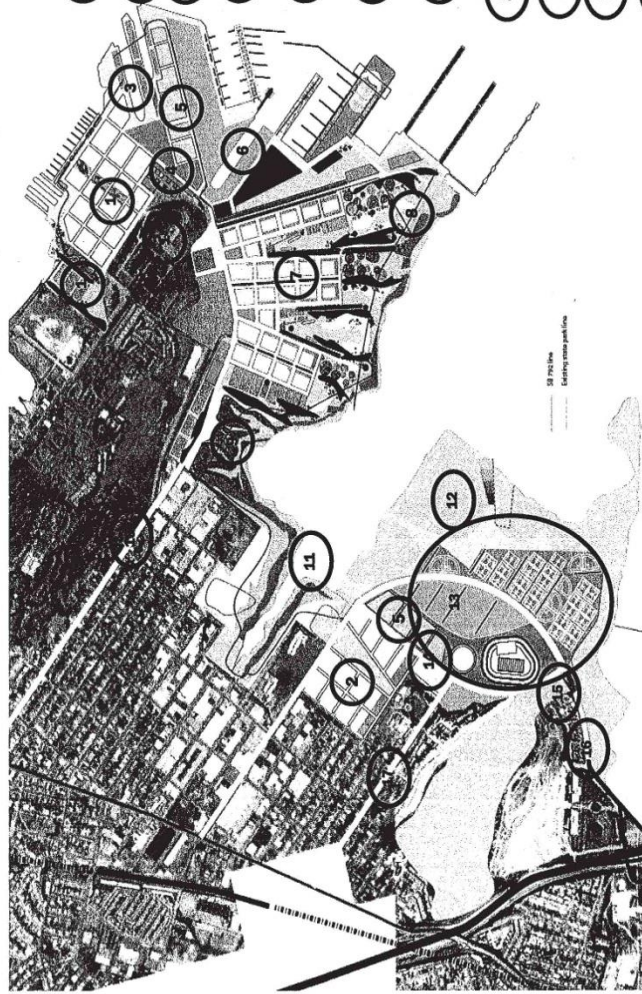
ATTAINMENT OF PROJECT OBJECTIVES – AFS STADIUM ALTERNATIVE	
Objective	Meets Project Objective?
<p>1. The integrated development should produce tangible community benefits for the Bayview and the City.</p>	<p>Y+</p> <p>Analysis: AFS Stadium Alternative would include some of the same development program and uses as the Project, <i>however it is superior to the Project in meeting the attainment objectives:</i></p> <p>The addition of a heavy industrial seaport component would create more job and economic development opportunities than those presented in the DEIR Project Alternatives. This proposal takes advantage of changes in federal orientation toward ship recycling and utilizes existing assets such as Dry Dock 4, the largest graven dry dock on the west coast, to attract work. This scenario is likely to produce more work for a broader spectrum of workers earlier in the redevelopment process than those activities proposed in the DEIR. The exclusion of this use from the DEIR will prevent this opportunity from being exploited.</p> <p>The AFS Alternative would include the renovation and replacement of the artist studios at HPS Phase II and create a permanent space for artists. However it would expand the reach of the arts community to include performance, culinary and other formats providing space for these activities within the area of the proposed arts, cultural and historic district. The AFS Alternative would promote an Afro Centric Cultural District on the shipyard to create greater context for the International African Market Place. The AFS Alternative would also include an Ohlone oriented cultural use on the site.</p> <p>The AFS Alternative would include the same shoreline improvements and open space network, including a Bay Trail extension along the shoreline, and the same improvements to the CPSRA as the Project. However, unlike the proposed project it would promote the removal of the industrial dump on Parcel E2 by proposing its replacement with wetlands that would also treat street contaminants from rain run-off prior to reaching the bay. Ongoing studies of this location as compared to alternative sites on Parcel E are ongoing and funded by San Francisco International Airport under an order from the Regional Water Quality Control Board. The FEIR should incorporate this study within its discussion of developing plans around parks, storm water, water treatment and wetlands. The wetlands described would enhance State Parks efforts to create protected rookeries for water fowl. There would be no Yosemite Slough bridge, therefore the water quality of Yosemite Slough would not be potentially undermined by the facilitation of siltation by the bridge pillings. The lack of a bridge would prevent the blocking of the ever improving Yosemite Slough view shed, would not impede the migration of animals along the shoreline and its absence would also prevent its use as a perch for predatory birds and wildlife that could negatively impact the planned rookeries. Contrary to the assertion in the DEIR, the lack of a bridge would enhance rather than undermine the natural shoreline connection between the Shipyard and Candlestick Point.</p> <p>In place of the bridge and in combination with the extended MUNI lines, the AFS Alternative would focus on neighborhood-serving, smaller scale mass transit designed to link to district trunk lines, such as the T, and regional rail, such as the planned Oakland CALTRAIN station, therefore providing greater transit use incentives for community residents.</p>

Alternatives for Study: Comments on Candlestick Point Hunters Point Shipyard DEIR - Final Page 14

ATTAINMENT OF PROJECT OBJECTIVES – AFS STADIUM ALTERNATIVE		
Objective	Meets Project Objective?	Analysis: AFS Stadium Alternative would include some of the same development program and uses as the Project, <i>however it is superior to the Project in meeting the attainment objectives.</i>
2. The integrated development should reconnect Candlestick Point and the Hunters Point Shipyard site with the larger Bayview neighborhood and should maintain the character of the Bayview for its existing residents.	Y+	Aside from continuing the street grid on the Candlestick Point side of the project, the Proposed Project and all of its alternatives and variants do a poor job of integrating with the larger Bayview neighborhood. Although the Proposed Project states that alternatives that do not include the Yosemite Slough bridge "preclude a direct connection between CP and HPS, particularly for transit", the Yosemite Slough Bridge creates the appearance of a community divided as does the proposed entryway adjacent to Parcel B. The AFS Stadium Alternative, while attempting to work within the design framework proposed by the City and Lenmar, attempts to address this weakness by incorporating a different transit and traffic strategy focused on bringing the BRT closer to non-project residences and businesses, proposing a neighborhood connecting transit loop to serve both the project and surrounding neighborhoods, and boulevard access to Third Street through the South Basin Industrial Area. The AFS Alternative attempts to better integrate Alice Griffith with the adjacent State Park by reorienting the configuration of the development's park, creating a similar wedge configuration to the one proposed for Candlestick South. While the DEIR Proposed Project and its alternatives claim "the mix of uses and urban design concepts would provide a direct physical, visual, and architectural connection to the Bayview Neighborhood and City", clearly its visual references are more deeply connected to South of Market and Oyster Point than it is to Bayview Hunters Point where there are no towers and no buildings taller than 5 stories currently in use. Therefore, while the Proposed Project and its alternatives would meet this Project objective, it would not meet it to as great an extent as the AFS Proposed Alternatives.
3. The integrated development should include substantial new housing in a mix of rental and for-sale units, both affordable and market-rate, and encourage the rebuilding of Alice Griffith Public Housing.	Y+	As with the Lenmar/ City Proposed Project and its alternatives, the AFS proposed alternatives "would include a variety of unit types, sizes, and structures, and a wide range of affordability levels." The AFS Alternative "would also include the redevelopment of the Alice Griffith Public Housing site." Therefore, the AFS Alternative would meet this Project objective.
4. The integrated development should incorporate environmental sustainability concepts and practices.	Y+	The DEIR does not present a sustainability plan, but rather concepts that appear to mitigate impacts rather than address the fundamental concepts of sustainability. The AFS Alternatives do a better job of integrating parks and open space with the new and existing communities, providing community oriented transit, promoting walking between the two projects, incorporating storm water treatment wetlands, supporting the implementation of Prop P levels of toxic cleanup on the Shipyard and promoting the cleanup of the South Basin industrial neighborhood. Therefore, the AFS Alternatives do a superior job of incorporating sustainability concepts.
5. The integrated development should encourage the 49ers—an important source of civic pride—to remain in San Francisco by providing a world-class site for a new waterfront stadium and necessary infrastructure.	Y-	In the Santa Clara DEIR, the 49ers specifically reject the Project's Proposed Stadium Alternative as being unworkable. In a recent press statement, the 49ers stated a preference for Oakland over San Francisco for precisely the same reasons AFS found problematic with the proposed plan. It is hard to see how ignoring the 49ers' criteria makes them more likely to want to work with San Francisco. While the AFS Candlestick Point stadium alternative is closer to the freeway by a mile than the DEIR proposed project, and is therefore closer to what the 49ers want, we will readily concede that this site is not as well situated as the Brisbane Baylands site, which we continue to believe is a vastly superior site to Santa Clara, Oakland and San Francisco.
6. The integrated development should be fiscally prudent, with or without a new stadium.	Y-	None of the DEIR proposed alternatives appear particularly fiscally prudent. This problem is evidenced by the extremely long time Lenmar has reported it will take for them to break even, let alone reach their IRR. By eliminating the costly bridge, proposing a smaller and more integrated retail environment, and proposing a second industrial campus, AFS does a better job of being fiscally prudent than the proposed project & its alternatives.

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AFS Comment 11
**ALTERNATIVES FOR STUDY – PROPOSED ALTERNATIVE: STADIUM
Stadium Rebuilt on Candlestick, Housing on D/E, Heavy Industry on C**

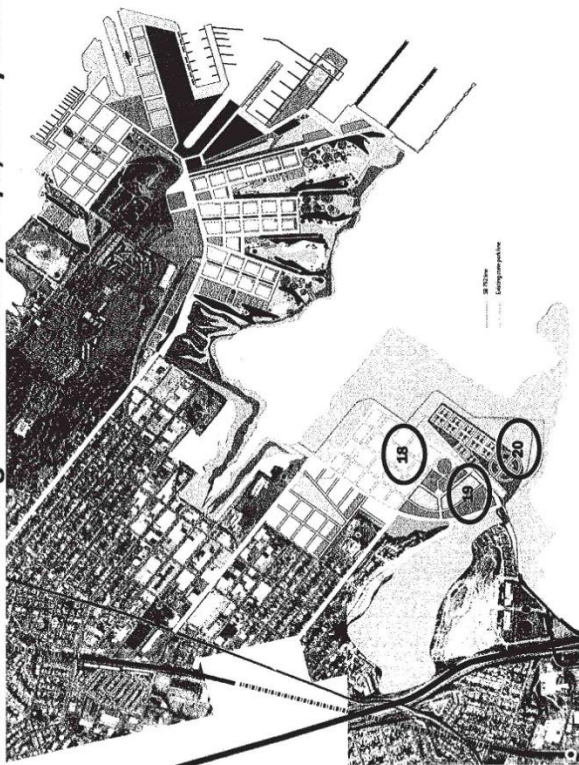


This proposed final alternative is based upon **Alternative 2 in CPHPS DEIR as Variant 2**. This Alternative to that studied within the EIR presents a greater number of economic and park and open space options while keeping the stadium closer to Highway 101, thereby eliminating the bridge concept for game day traffic. Instead of a bridge, two transit loops are proposed (Palou to Innes on the north side, Gillman to Armstrong on the south) to connect both parts of the project to Third Street and the T street car line. This proposed Alternative features less housing overall due to limiting the height of structures on the Shipyard to 10 stories on Parcel D/ E development. On the other hand, the project is also less expensive to construct because of reduced requirements for infrastructure. Other changes include the incorporation of a heavy maritime industrial activity around Dry Dock 4, an arena adjacent to the stadium, a new alignment for Harney Way, a Parcel E2 wetlands, a living shoreline on Parcel E and an expansion of the Park and Open Space area.

- 84-35
- 1 Areas unchanged from DEIR/ Project Plan
 - 2 Alice Griffith – Slight modification in park size & orientation to improve neighborhood orientation to recreational open space
 - 3 Historic Shipyard District including International African Marketplace
 - 4 Arts & Cultural District
 - 5 R&D/ Green Tech Districts
 - 6 New – Proposed port-oriented heavy Industrial
 - 7 Parcel D/E Housing – Slight modification from DEIR, assuming Prop P compliance
 - 8 Expanded Parcel E park & living shoreline
 - 9 New – Proposed wetlands, assuming E2 removal or major remedial excavation
 - 10 New – Palou – Innes – 3rd Street Transit Loop
 - 11 No bridge, habitat enhancement
 - 12 CPSRA area unchanged
 - 13 Stadium rebuilt on site with adjacent arena – green parking to perimeter of State Park
 - 14 New Harney Way Alignment
 - 15 Park connection to Bayview Hill
 - 16 HWY 101 + Game Day BART BRT Route
 - 17 New – Gilman / Carrol / 3rd St. Transit Loop

AFS Comment 12

**ALTERNATIVES FOR STUDY – PROPOSED ALTERNATIVE: NO STADIUM
 Commercial & Housing on Candlestick, & D/E, Heavy Industry on C**



NO STADIUM ALTERNATIVE

The land uses described above remain consistent in this alternative except there is no stadium. In this proposed alternative the following changes have been made:

An additional housing component is added, bringing the total number of Phase 2 units to above 11,000, but within a 5-10 story limit.

A modified version of the retail and arena node in the Candlestick Point Center proposal. This alteration of the plan would add a second research & development complex to the proposed retail/ commercial, 10,000-seat arena, and structured parking. A portion of the Shipyard R&D campus has been relocated to Candlestick to offset the addition of the heavy industrial port activity around Dry Dock 4 so there is no loss in R&D space. The total for R&D square footage between the campuses is increased to 3.5 million.

The large sports field complex lost in the City/ Lennar non-stadium alternative is retained and integrated into a larger City/ State regional park system.

18

19

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This proposed final alternative is based upon **Alternative 5 in the CPHPS DEIR**. This Alternative is the No Stadium variant to the one shown above. This Alternative reduces the area of the Lennar/ City proposed project known as Candlestick Point North and expands the State Park perimeter to a distance of 400 feet from the shoreline of South Basin from the SB 792 perimeter of 200 feet. This alternative still provides Lennar with an intrusion of some 150 feet into the current park boundary for housing development as a concession to their development strategy. It does however eliminate all of the proposed Candlestick Point South development in favor of creating a combined active and passive recreational opportunity similar to those available through regional park systems. The area of the project identified as Candlestick Point Center is modified to combine a second Research & Development campus with the possibility of an arena and smaller community and CPS/ HPS, Executive Park, and BVHP project area serving retail and commercial development versus the current strategy of creating a regional retail center. CP South housing is relocated to Parcels D&E on the Shipyard assuming Prop P compliant cleanup levels. Total project housing development is increased by 500 units, R&D space is increased to 3.5 million square feet, heavy industrial port land is revived, and park and open space is increased by 40 acres over the Arc Ecology Alternative 2 – AE.afs.v1 concept presented on the prior page.

84-36

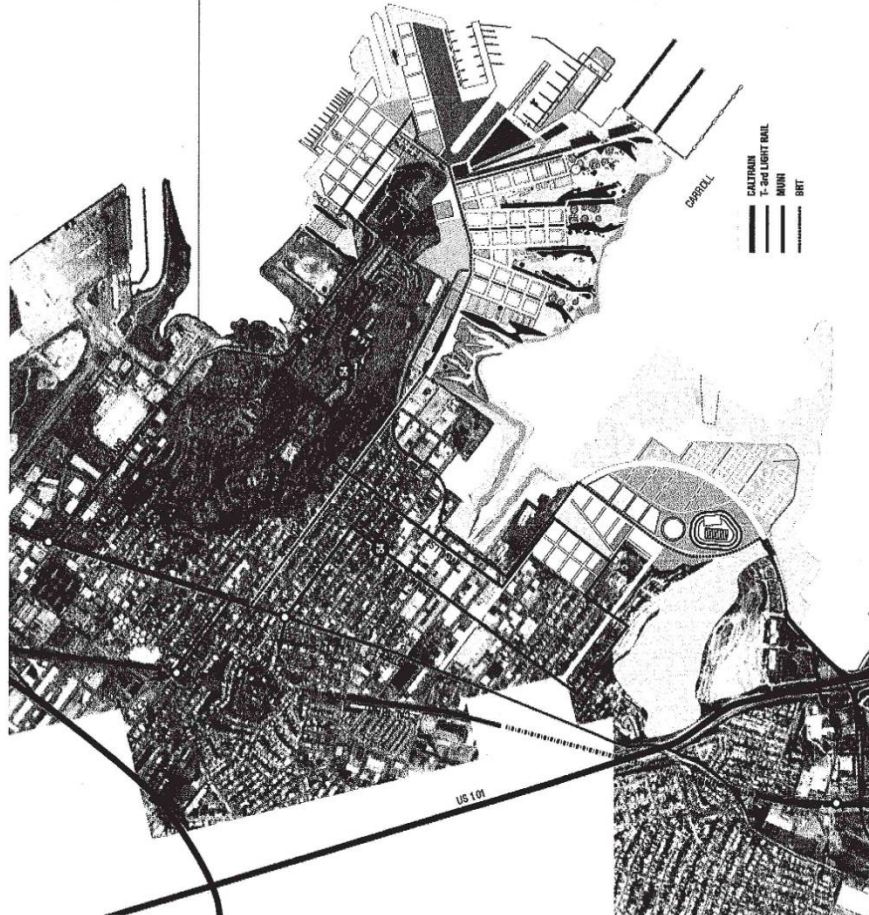
84-37

ALTERNATIVES FOR STUDY –

Transit Routing Alternative

This alternate routing proposal attempts to address the negative environmental impacts of the Yosemite Slough Bridge by routing BRT, traffic, bicycle and pedestrian activity around the slough. The route around utilizes the Rail Road right of way and proposes to preserve the rail road bed for train transport to serve the revitalized port activity. This route is superior to the proposed Yosemite Slough Bridge because it limits the need for pilings, can be built by expanding the right of way, preserves an industrial asset, and still connects both sides of the project. According to LSA Associates the route around Yosemite Slough increases transit time by less than two minutes.

The BRT route pictured here combines with the extended 54 Bus line to create a neighborhood serving bus loop connecting Bayview Hill, the South Basin Industrial Flats, and Hunters Point Hill with the Third Street Transit Trunk, CALTRAIN at Oakdale and continues the 54 route west. This proposed route responds to comments made during the AFS Transportation Workshop for a system that connected the eastern BVHP neighborhoods.



AFS Comment 13

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AFS Comment 10: Supplemental Commentary

Comment: The accuracy and completeness of the following statements is questionable:

III.N-94

Consequently, as the Project would not interfere substantially with the movement of native resident or migratory wildlife species, established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, impacts would be less than significant. No mitigation is required.

But the development could impede the inland migration of tidal marsh habitat.

III.N-95

Although the bridge and the road crossing it would impede movement of terrestrial species from one side of the bridge to the other, sufficient terrestrial space would be present above the high tide line at the abutments to allow terrestrial wildlife to pass under the bridge. Consequently, Project activities within HPS Phase II and Yosemite Slough would not substantially interfere with the movement of any native resident or migratory terrestrial species.

Will this be true under all the projected sea level rise scenarios?

III.N-115

Impact BI-24 Implementation of the Project would not have a substantial adverse effect on federally protected wetlands and other waters as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (Less than Significant with Mitigation) [Criterion N.c]

The development could have negative impacts on the wetlands in the locations where they will need to be in the future.

84-41

As sea level rises, the tidal wetland resources within the project and immediately bayward of it will become inundated and will be lost unless provisions are made now to allow for the inland migration of the saltmarsh habitat. It is not sufficient to mitigate impacts on the wetlands in their existing locations and configurations. The topography should be designed and engineered to create a gradual change in elevation adjacent to the existing tidal marshes so that their inward movement and reestablishment will not be impeded and they will not shrink in size or value as the water level rises. Specific attention should be paid to two marshes on the north shore of Candlestick Point State Recreation Area – one located in the area of the failed boat launch facility and the other to the west of it, commonly called "Double Rock Marsh." These two wetland areas are adjacent to steep slopes, a problem exacerbated several years ago when the temporary overflow parking area was graded and the spoils pushed into a berm along the wetland edge. The berm needs to be removed or relocated many yards inland, and the shoreline slope needs to be reconfigured.

If the ill-advised bridge were to be included in the selected alternative, how would the "sufficient terrestrial space" above the high tide line at the abutments continue to allow terrestrial wildlife to pass under the bridge as sea level rises?

84-42

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While the DEIR appears to deal adequately with the impacts of future sea level rise on the proposed developed areas, it fails to address the impacts on tidal wetlands, and the wildlife that depends on them, and the need for adaptive measures.

84-43

Comment: The draft EIR is inadequate because it uses a lower standard for evaluating an element of the plan than it should -- a standard that, if held to, could result in less park space per 1000 residents in this Bayview Hunters Point redevelopment project, than that currently enjoyed by the residents of other, more affluent San Francisco neighborhoods.

84-44

Stating that "the City does not have an adopted parkland-to-population ratio standard" (III.P, p. 11), the decision is made to use 5.5 acres of parkland per 1000 population as an adequate measure of parkland supply within the project area. This ratio was apparently chosen because that was "...the per capita supply of public open space within the City... at the time of the General Plan's adoption [in] 1986" (III.P, p. 11).

Yet on page 1 of III.P, we find that on Jan. 1, 2008, the ratio of acres of publicly-accessible parks and recreational facilities per 1000 residents for the city of San Francisco as a whole was 7.1. I would argue that this is the standard that should have been used. Why use a lower standard for this project?

Comment: The draft EIR is inadequate because it fails to provide sufficient neighborhood park space in the Candlestick Point part of the Project area.

84-45

The benchmark ratio chosen underlies the analysis pertaining to Impact RE-2 (Deterioration or Degradation of Existing Parks and Recreational Facilities), the heart of section III.P.

The main question is whether or not the Project would cause the deterioration of existing parks and recreational facilities through overuse, or result in the need for new parks and facilities. In attempting to answer the question, we find the following:

"Overall, the Project would provide approximately 336 acres of new and/or improved park land and recreational facilities to accommodate the estimated build-out population of approximately 24,465 residents within the Project site..." This would yield "a ratio of about 13.7 acres of parkland per 1000 residents within the Project site". Including 10,730 expected daily employees in the population yields a ratio of "9.5 acres per 1000 employees/residents." (All quotes from III.P, p. 29).

Both ratios are greater than the benchmark 5.5 acres/1000 population; therefore, the report concludes its discussion of Impact RE2 as follows: "Overall, the increase in the resident and daytime population of the Project site would not lead to substantial physical deterioration or degradation of existing facilities, nor would it result in the need for new or expanded facilities. The Project would, therefore, not cause a significant impact and no mitigation is required." Stated in plain English: there would be a sufficient supply of parkland.

Since the ratios noted above (13.7 and 9.5) are also both higher than 7.1, the benchmark I think should have been used, changing the benchmark would not by itself affect the adequacy of the EIR. HOWEVER, consider what happens if one separates the two pieces of the Project, and calculates acres of parkland per 1000 population for each part.

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HPS Phase II -- Planned Acres of parkland: 231.6
 Projected Population at Build-out: 6,175
 Acres per 1000 population: 37.5
 Candlestick Point -- Planned Acres of parkland: 104.8
 Projected Population at Build-out: 18,290
 Acres per 1000 population: 5.7

First, there is quite a discrepancy! Second, although each of these ratios is greater than 5.5, the ratio for Candlestick Point alone is less than 7.1, the ratio I think should have been used. Furthermore, note that only 8.1 acres of the 104.8 at Candlestick Point represents true neighborhood parkland. The rest is the reconfigured Candlestick Point State Recreation Area. As wonderful as that resource will be, I do not see that it will function well as a place where neighborhood children can play. Therefore, I believe there needs to be mitigation in the form of increased neighborhood parkland in the Candlestick Point area.

Comment: Section III.P of this EIR is inadequate because it does not consider construction impacts on Biological Resources.

In the analysis of Impact RE-1 (Construction of Parks, Recreational Uses, and Open Space) on p. 12, reference is made to several other sections of the EIR which contain "discussion of project-related construction impacts". There is no reference to section III.N (Biological Resources). Surely, there would be construction related impacts to plants and animals, some of which could be significant?

Much of this project is admirably designed, and the redevelopment is certainly badly needed. I hope these comments will help make the project even better than it already is.

Comment: Air quality impact on future residents

In reference to Section III.H. Air Quality, the EIR talks about Toxic Air Contaminants.

According to various studies, the BVHP community is currently host to a number of causes of air contaminants including the power plant, the city of San Francisco's largest wastewater treatment facility, both federal and state Superfund sites, hazardous waste storage facilities, and 280 "hot spots" containing toxic substances. Bayview Hunters Point is also home to the second largest concentration of leaking underground storage tanks in the city with 53.

This has led to an array of health problems including unusually high breast cancer rates, asthma and bronchitis that impacts current residents and would impact future residents of BVHP. The EIR does not take in to account the number of air pollutants that could adversely affect the over 20,000 new residents who would be affected by the toxic air. Specific emphasis has also not taken in to account the industrial processes, such as petroleum refining, auto painting, chemical manufacturing, electric utilities, chrome plating; commercial operations, such as gasoline stations, dry cleaners and the fact that the Bayview community has the high amount of diesel truck traffic in the area.

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← 84-45 cont'd.

84-46

84-47

In 1999, Bayview Hunters Point Health and Environmental Assessment Task Force researchers conducted a community health survey (in collaboration with the University of California San Francisco and the San Francisco Department of Public Health). In the study, adults were asked how many people in their households had asthma. Overall, 10 percent of Bayview Hunters Point residents said they have asthma, compared to 5.6 percent nationally.

84-48

(Lefant, C and Khaltsev, N. (1995) "Global Initiative for Asthma (GINA), Global Strategy for Asthma Management and Prevention: NHLBI/WHO Workshop Report" National Institutes for Health, National Heart, Lung and Blood Institute, Publication Number 95-3659, 1995, in Mann, Jennifer, San Francisco Department of Public Health. Community Health Epidemiology and Disease Control. "Asthma in San Francisco." November 2000.)

The asthma rate for children in Bayview Hunters Point was one in six (15.5 percent). *(Bayview Hunters Point Health and Environmental Task Force Community Survey, Draft Presentation, presented at "The Landscape of Out Dreams Environmental Health Symposium," Oct. 9, 1999.)*

From 1994-96 the asthma hospitalization rate of Bayview Hunters Point residents was the highest in San Francisco (491 per 100,000 compared to 355 per 100,000 overall). The hospitalization rate for Bayview Hunters Point children was 781 per 100,000. *3 Mann, Jennifer, San Francisco Department of Public Health. Community Health Epidemiology and Disease Control. "Asthma in San Francisco." November 2000.*

III.B.20

84-49

Proposition P should be included in this section, particularly as the City is considering utilizing the Early Transfer process and undertaking aspects of cleanup responsibility. Prop P established the community acceptance criteria for HPS cleanup under the NCP. Prop P was adopted by the City as its policy in 2000 with 87% of the electorate voting in favor, a much higher level of voter support than Prop G. A resolution presented by Supervisors Maxwell and Newsom in 2001 was enacted unanimously by the Board of Supervisors and compliance with its objectives should establish City policy as to the level of cleanup acceptable in property transfer and thus it is an appropriate CEQA/ DEIR issue and should be incorporated here.

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■ Letter 84: Arc Ecology (1/12/10)

Response to Comment 84-1

This comment contains introductory or general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required. However, page VI-160 of the Draft EIR affirms the receipt of the alternatives study mentioned in this comment, stating:

A number of alternatives were proposed during the planning and public scoping process for the Project. Several of these alternatives were identified by Arc Ecology, a local community organization. In January 2009, Arc Ecology published a report titled *Alternatives for Study, Draft Outline of Issues, Positions, and Alternatives for Public Comment and Further Study* (Arc Ecology Report).¹³⁵⁰

As stated on page VI-165 of the Draft EIR:

Five alternative land use plans were proposed by Arc Ecology and studied in concept for this document. They include proposals to locate the stadium on Parcels B, C, and G of HPS Phase II; one proposal with no stadium at HPS Phase II; and one alternative land use plan for Candlestick Point. ...

Each of these alternatives has been analyzed on pages VI-165 through VI-172 of the Draft EIR.

Response to Comment 84-2

A Sustainability Plan has been developed for the Project. The Sustainability Plan sets forth the vision, goals, and strategies for achieving this standard and for transforming the Project site into a local, regional, and international model for sustainable living. The Sustainability Plan integrates overarching goals for seven focus areas spanning the economic, social, and environmental aspects of sustainability, which include, but are not limited to economic vitality and affordability, community identity and cohesion, public well-being, safety and quality of life, accessibility and transportation, resource efficiency, ecology, information and communications technology. Numerous elements of the Sustainability Plan have been incorporated into other Project documents and plans including the Infrastructure Plan, Transportation Plan, and MMRP. The Project has set an energy efficiency performance target of 15 percent below the energy efficiency standards set forth in California law and Vertical Developers will be required to implement measures such as high-performance glazing, efficient lighting, daylighting, shading, envelope optimization, reflective roofs, and natural ventilation in the design of vertical improvements. Additionally, ENERGY STAR appliances are proposed for all new residential units. Strategies to conserve water include the potential use of recycled water for non-potable water uses, the use of drought tolerant plant species, and the use of efficient irrigation systems such as drip irrigation, moisture sensors, and weather data-based controllers; and progressive stormwater management to retain and treat stormwater on site and/or in adjacent areas. The Sustainability Plan will be a part of the DDA to be submitted for approval by the Board of Supervisors.

Response to Comment 84-3

Area C (which is referred to in the Draft EIR as India Basin Shoreline) was evaluated in the Draft EIR as part of the cumulative impact analysis, along with numerous other adjacent projects. As stated on page III.A-6 and -7 of the Draft EIR:

For the purposes of this EIR, the analysis of the potential for the Project's incremental effects to be cumulatively considerable is based upon a list of related projects identified by the City and neighboring jurisdictions and/or on full implementation of the City's General Plan and/or other planning documents, depending upon the specific impact being analyzed. For example, the cumulative analysis for the Traffic Study (which is the basis for many of the cumulative analyses in this document) uses the San Francisco County Transportation Authority (SFCTA) travel demand forecasting model, which projects general background growth based on Association of Bay Area Governments (ABAG) projections and is consistent with build-out of the City's General Plan. The Traffic Study specifically updated the background growth assumptions based on information regarding a number of major related projects, including (Figure III.A-1 [Cumulative Development in the Project Vicinity]):

- Yosemite Slough Restoration Project
- India Baseline Shoreline
- Hunters Point Shipyard Phase I
- Hunters View
- Jamestown
- Executive Park
- Brisbane Baylands
- Cow Palace
- Visitacion Valley/Schlage Lock

The purpose of the cumulative impact analysis is to determine whether or to what extent impacts from individual projects, when considered together, could result in a significant environmental impact, which eliminates the potential for "piecemealing."

Response to Comment 84-4

The Draft EIR presents 111 mitigation measures that have been designed for the express purpose of avoiding or reducing environmental impacts, including those associated with stadium, and the document, in total, provides nearly 4,400 pages of data and analysis, all of which collectively provides substantial evidence for the conclusions made in the document. While the commenter expresses an opinion that the Draft EIR "fails to present reasonable justification and/or mitigations for the impacts of locating the proposed stadium on the Shipyard," no specific comment is provided.

Response to Comment 84-5

Refer to Response to Comment 48-3 regarding the selection and evaluation of alternatives.

The alternative the commenter suggests (port-related heavy industrial uses) is not compatible with the City's vision or the redevelopment plans adopted for the area. Further, this alternative would not achieve the Project's objectives and would not provide any benefit not achieved by the Project. In addition, industrial activities would be expected to result in far greater environmental impacts than those of the Project's proposed land uses. Table VI-11, page VI-170, of the Draft EIR states with regard to maritime industrial uses: "Maritime industrial uses are not proposed under the Project. Construction and operation of such uses at HPS Phase II could result in new impacts including, but not necessarily limited to, impacts on air quality, noise, hydrology and water quality, and biological resources."

Response to Comment 84-6

The Draft EIR does analyze an alternative with no bridge and in which the proposed BRT route would travel in the route around Yosemite Slough proposed by the commenter. Refer to Section VI.C (Analysis of Project Alternatives) in the Draft EIR, and refer to Subsection VI.C.2 (Alternative 2 [CP-HPS Phase II Development Plan; No Yosemite Slough Bridge]).

Response to Comment 84-7

Chapter II (Project Description) of the Draft EIR identifies the total amount of area (in gross square feet) associated with each land use type (and for the residential areas, the density per acre), the height limits associated with specific areas of the Project site, and within Section III.E (Aesthetics) provides visual simulations of the Project site. This information provides the reader with an understanding of the massing, scale, and density of the Project.

Table II-2, page II-8, provides the net change in development as a result of the Project. Table II-3, page II-9, provides the total development area (in gross square feet) by land use type and by location on either Candlestick Point or HPS. Residential development is identified by density range. Figure II-5, page II-12, identifies the maximum building heights. Pages II-13 through II-23 provide a description of each land use type followed by a description of each district and the uses within each district.

Section III.E (Aesthetics), pages III.E-49 to III.E.50, of the Draft EIR states that:

To demonstrate the changes in visual character that would result with implementation of the Project, visual simulations of the Project from each of the viewpoints identified in Section III.E.2 (Setting) in Figure III.E-10 through Figure III.E-30 as well as other photographs contained in this section were used to evaluate changes in both views and visual character based on height, bulk, massing, and type of development when compared to existing conditions. Where appropriate, the simulations also include views of the approved HPS Phase I development, currently under construction, and the approved Visitacion Valley Redevelopment Plan. For the purpose of analyzing cumulative impacts, the simulations also include potential development under the proposed India Basin Shoreline Plan and the Executive Park Sub Area Plan.

The visual simulations are distinguished as long-range views (Figure III.E-11 through Figure III.E-18), and short- and mid-range (Figure III.E-19 through Figure III.E-30) depictions. The visual simulations include development with the Project and with other development noted, above. The analysis determines whether the Project would result in substantial blockage of or other substantial negative changes to existing views from the public viewpoints identified in Figure III.E-11 through Figure III.E-18, particularly to views of scenic open space and water, as well as whether the Project would result in degradation of the visual character or quality of the setting (refer to Figure III.E-19 through Figure III.E-30). The simulations are taken from fixed viewpoints and do not show all possible views of the Project site. For example, they do not provide the dynamic views that would be experienced while driving, walking, or cycling in the Project vicinity. In addition, the simulations depict the overall location, height, and dimension of development, with general exterior features or materials, window patterns, landscaping, or other details. The new buildings shown in views of Candlestick Point and HPS Phase II represent building types, heights, and dimensions that would reflect the Project land use plan and urban design guidelines. The simulations do not represent final architectural design that would occur with the Project. However, the simulations are sufficient for an adequate analysis of changes in scenic vistas, scenic resources, and visual character.”

Refer to Section B (Project Refinements) of this EIR for discussion regarding the description of Variant 2A and Variant 3: Tower Variant D, as well as Alternative 2 and Subalternative 4A.

Response to Comment 84-8

Because the Project would not have any significant, unavoidable impacts related to recreation, CEQA does not require the analysis of alternatives focused on reducing or avoiding such impacts.

Response to Comment 84-9

Refer to Response to Comment 84-27 acknowledging that early transfer brings the portion of the hazardous materials cleanup to be performed by the Agency or Project Applicant under the umbrella of CEQA.

Refer to Master Response 15 (Proposition P and the Precautionary Principle) for a discussion of how Proposition P and the Precautionary Principle relate to the remediation program and the project.

Response to Comment 84-10

The comment states that the assessment of impacts to wildlife is inadequate. While the commenter expresses an opinion, no specific comment is made that can be responded to. The EIR contains an extensive analysis of setting, impacts, and mitigation measures related to biological resources on pages III.N-1 through III.N-141. Specifically, an analysis of wildlife impacts is provided in Impacts BI-2 through BI-13b, BI-15a through BI-20b, and BI-22 through BI-25 of Section III.N (Biological Resources) of the Draft EIR. The Lead Agencies believe the EIR more than adequately addresses these issues for the public and for decision-makers to make informed decisions with respect to these issues.

Response to Comment 84-11

Refer to Response to Comment 1-1 for a discussion of the adequacy of the public comment period, including the many opportunities for providing comments on the Draft EIR.

In terms of accessing the documents referenced in the Draft EIR, as stated on page I-10 of the Draft EIR:

The documents referenced in this Draft EIR are available for public review by appointment at the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor, San Francisco, CA, 94103, or at the City Planning Department, 1650 Mission Street, Fourth Floor, San Francisco, CA, 94103. The EIR will be posted for public review at <http://www.sfplanning.org> and www.sfgov.org/sfra.

Therefore, the reference documents were available. With respect to the assertion that the reference documents were difficult to obtain because City and Agency offices were closed during the public review period, they were only closed on four business days during the entire 60-day public review period: November 26 and 27 (Thanksgiving), December 25 (Christmas), and January 1 (New Year's Day). Further, in the event of staff vacations, another staff member was available to provide the requested materials.

Response to Comment 84-12

Refer to Master Response 1 (SB 18) for a discussion of consultation with the Native American community under Senate Bill 18 (SB 18).

Refer to Response to Comment 73-16, with regard to archaeological information for Parcel A at Hunters Point Shipyard Phase I. The comments states “required archeological core samples may not have been taken” at Parcel A in Phase I. Response 73-16 notes that the Mitigation Monitoring and Reporting Plan (MMRP) for Hunters Point Shipyard Phase I required that, for any project disturbance below the layer of historic fill within four identified archaeological sensitivity zones, that archaeological consultants prepare an archaeological treatment plan and monitoring plan. Zone 1 in Phase 1 specifically related to Native American sites. No Phase I activity has occurred in the four identified archaeological sensitivity zones that would trigger the preparation of an archaeological treatment and monitoring plan as required in the MMRP. The MMRP did not require archaeological core sampling or other investigation in the absence of activities in the sensitivity zones. No other disturbance of archaeological resources has been identified during Phase I development.

Response to Comment 84-13

Refer to Response to Comment 48-3 regarding the selection of alternatives. The AFS Alternatives are specifically addressed in Response to Comment 84-23.

Response to Comment 84-14

The Brisbane Baylands alternative sites for Candlestick Stadium were analyzed on Draft EIR pages VI-161 through -163, concluding that:

The Brisbane Baylands locations are not considered feasible sites for the 49ers stadium for the following reasons:

- The Baylands Specific Plan, although not yet formally adopted, does not include a stadium as an allowed use in either the northern or southern portions of the site. Both sites are designated for commercial, office institutional, and industrial uses. While planning considerations in a particular jurisdiction can evolve over time, it is expected that the range of uses identified in the Phase I Specific Plan reflect Brisbane’s long-term planning goals for the Brisbane Baylands, which plans do not include developing a professional football stadium.
- The Brisbane sites are outside of the City and County of San Francisco. Planning review, and approval of a stadium in Brisbane Baylands would be subject to City of Brisbane jurisdiction. Neither the San Francisco Redevelopment Agency (Agency), the City and County of San Francisco, nor Lennar Urban would reasonably be able to acquire, control, or otherwise have access to a Brisbane site for the purpose of pursuing such alternative locations. Thus, the Brisbane Baylands sites were determined to be infeasible for development of the stadium, and were rejected from further consideration in the EIR.

While the ability to acquire, control, or otherwise have access to a Brisbane site for the purpose of pursuing an alternative stadium location was one factor that contributed to rejecting the site as infeasible, perhaps the more important factor is that the City of Brisbane does not envision a stadium at that location. Therefore, even if Lennar Urban were able to acquire the site from Universal Paragon Corporation, the Baylands Specific Plan, which would guide land use development at the site, would not allow a stadium.

Response to Comment 84-15

Refer to Response to Comment 84-5 regarding the inability of the suggested alternative (port-related heavy industrial uses) to achieve the Project’s objectives or to offer any benefit beyond that provided by the Project, and its incompatibility with the City’s vision or the redevelopment plans adopted for the area. This

comment expresses an opinion as to what the goals of the Project should be. Refer to Pages II-5 to II-7 of the Draft EIR outline the Project objectives.

Response to Comment 84-16

Refer to Response to Comment 84-5 and 85-15 for a discussion of why such uses would not achieve the Project's objectives nor offer any benefit beyond that provided by the Project, and the incompatibility of such uses with the City's vision or the redevelopment plans adopted for the area.

Response to Comment 84-17

The Project offers a substantial mixed-use development, much of which is oriented to the waterfront. The alternatives analyzed explore different combinations of land uses that could also achieve the Project's objectives. The EIR comprehensively analyzed traffic, waste, and "related issues" of the shoreline improvements that are part of the Project. Refer to Response to Comment 84-5 regarding the inability of the suggested alternative (port-related heavy industrial uses) to achieve the Project's objectives or to offer any benefit beyond that provided by the Project, and its incompatibility with the City's vision or the redevelopment plans adopted for the area.

Response to Comment 84-18

The predicted transit usage is based on a statistical regression analysis developed from travel patterns currently made by travelers within other neighborhoods of San Francisco that have similar transit service to what is proposed by the Project. The forecasting model accounts for type of trip (work vs. non-work), destination parking costs, and travel times as influential predictors of transit use. Other variables were considered but found to not be statistically significant (i.e., they were not useful predictors of transit use).

Response to Comment 84-19

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response required.

Response to Comment 84-20

Refer to Response to Comment 17-1 for a discussion of the process that would be required for the bridge to be open for public use.

Refer to Master Response 4 (Purpose and Benefits of the Yosemite Slough Bridge) for a discussion of travel time and reliability improvements, as well as a reduction of mixed-traffic congestion, arising from the use of the Yosemite Slough bridge for bus rapid transit. Also refer to Response to Comment 43-2, which describes the relationship of this Draft EIR with the BTIP Draft EIR, which is at yet unpublished.

Response to Comment 84-21

The CEQA Guidelines, Section 15151 provide that "an EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." The EIR presents the environmental impacts

of the Project, variants, and alternatives so that decision-makers are fully informed as they deliberate on what to ultimately approve.

Refer to Response to Comment 48-3 regarding the selection of alternatives.

Response to Comment 84-22

These comments outline criteria for alternatives development. Refer to Response to Comment 48-3 for the discussion of the CEQA criteria for alternatives development, as well as the process that was employed to identify alternatives in the Draft EIR.

Response to Comment 84-23

The commenter is proposing a comparison of two alternate alternatives to the Alternatives identified in the Draft EIR. As stated in Response to Comment 48-3, all possible alternatives need not be analyzed, just a reasonable range of alternatives. Further, many of the concepts in these two new alternate alternatives were previously addressed in the Draft EIR. As these new alternate proposals include some portions of the Project, some portions of the Alternatives, and some portions of the Variants identified in the Draft EIR, it is difficult to try to compare these alternate scenarios to any one proposal (Project, variant, or alternative) in the Draft EIR. (Also refer to Responses to Comments 84-24 to 84-28 for additional discussion of these alternatives.) However, the key concepts in those scenarios can be addressed. The key components of the AFS Stadium Alternative identify several aspects: retaining Candlestick, additional housing on HPS Phase II, heavy industrial port-related uses on Parcel C, and a neighborhood-oriented transit loop. This alternative could supposedly eliminate one mile of driving to the HPS Phase II, reduce traffic/air/noise with a new transit loop, and comply with ABAG minimum habitat guidelines.

Retaining Candlestick stadium is addressed in Alternative 3 and Alternative 5, which both include this possibility. Alternative 3 reduces seven significant unavoidable impacts identified for the Project in traffic, air quality, and noise. Alternative 5 reduces five significant unavoidable impacts identified for the Project in traffic and noise. Additional housing on HPS Phase II is addressed in Alternative 5, which also retains Candlestick stadium. Alternative 5 reduces five significant unavoidable impacts identified for the Project in traffic and noise. As these alternatives have already been evaluated in some form within the Draft EIR, no new analysis involving such alternatives is necessary.

Heavy industrial port-related uses were not identified for the Project. As identified on page VI-170, these uses could “result in new impacts, including, but not necessarily limited to, impacts on air quality, noise, hydrology and water quality, and biological resources.” Refer to Response to Comment 84-5 for more discussion of Port heavy industrial uses.

A neighborhood-oriented transit loop was not identified for the Project. The Project would provide enhanced transit services, as described on page II-39 of the Draft EIR:

Transit Services

Supported by Project revenues and infrastructure, the San Francisco Municipal Transportation Agency proposes the following transit services:

- Extending existing Muni bus routes to better serve the Project site

- Increasing frequencies on existing routes to provide more capacity
- Complementing existing routes with new transit facilities and routes that would serve the Project's proposed land use program and transit demand
- Connecting to regional transit with BRT

The Transportation Plan would propose new direct transit service to serve employment trips to and from downtown San Francisco. Connections to the regional transit network (BART and Caltrain) would serve employment centers in the South Bay. The proposed transit improvements are illustrated in Figure II-13 (Proposed Transit Improvements) and described below:

- A. **Extended bus routes and new bus routes.** Existing Muni routes 24-Divisadero, 44-O-Shaughnessy, and 48-Quintara-24th Street would be extended to HPS Phase II; route 29 would terminate at Candlestick Point. Service frequencies on these lines would be increased. New Downtown Express routes would connect both Candlestick Point and HPS Phase II with the Financial District.
- B. **Harney/Geneva BRT/Transit Preferential Street.** The Harney Way/Geneva Avenue corridor would have exclusive bus and BRT lanes between Hunters Point Transit Center and Bayshore Boulevard, through Candlestick Point and the Bayshore Caltrain Station.
- C. **Hunters Point Transit Center.** Hunters Point Transit Center would serve HPS North and Hunters Point Village Center districts. The transit center would have approximately ten bus bays. Most bus lines serving HPS Phase II would terminate at the transit center.
- D. **Bus Rapid Transit Stops.** BRT stops would be at Hunters Point Shipyard Transit Center, at three locations within Candlestick Point, and at two intermediate locations.
- E. **Palou Avenue Transit Preferential Street.** One Muni line (24-Divisadero) would be extended along Palou Avenue to serve Hunters Point Shipyard Transit Center. Transit-priority technology would be installed on Palou Avenue including installation of new traffic signals. This would improve transit travel times and reliability on the 24-Divisadero and also the 23-Monterey and 54-Felton, which would continue to operate on Palou Avenue but would not be extended into the Project.

Many of the proposed transit lines would include transit priority systems, with roadway sensors that would detect approaching transit vehicles and would alter signal timing to improve transit efficiency.”

It is not clear that a neighborhood-oriented transit loop would provide benefits beyond those identified for the Project transit improvements. Development of a neighborhood-oriented transit loop would require consultation with the SFMTA, and is speculative at this time.

The reduction in any one element of the Project would not necessarily reduce the cost of the Project, or eliminate Project impacts as asserted by the commenter, since other elements or features would be introduced. As can be seen with the Yosemite Slough bridge, alternatives without the bridge encounter Project impacts in other resource areas, either from elimination of that access point or from construction of new elements to replace the bridge. The tradeoffs among alternatives are rarely simple numeric calculations but involve a trading and weighting of desirable and often mutually excluding objectives.

Response to Comment 84-24

The commenter states that the Draft EIR describes Alternative 3, as compared to the Project, as having greater transportation-related impacts on game days because vehicular ingress and egress to and from the stadium would be delayed and traffic would be increased on located streets, including Innes Avenue, Evans Avenue, and Ingalls Street, and the commenter states that this assessment is not credible. The commenter

is incorrect in characterization of the Alternative 3 game day traffic impacts. Both the Transportation Study (pages 342 through 343) and the Draft EIR discussion of Alternative 3 impacts (page VI-65) state that game-day impacts would be similar to the No Project conditions. No further response is necessary.

Response to Comment 84-25

Refer to Response to Comment 48-3 regarding the selection of alternatives. As addressed in 48-3, a reasonable range of alternatives is presented in Chapter VI of the Draft EIR.

With respect to the “port-related heavy industrial uses” portion of the suggested alternative, refer to Response to Comment 84-5 for a discussion of why such uses would not achieve the Project’s objectives nor offer any benefit beyond that provided by the Project, and the incompatibility of such uses with the City’s vision or the redevelopment plans adopted for the area. The other aspects of the AFS No-Stadium Alternative (research and development, historic, arts and cultural, parks, and housing) have been addressed in the analysis of the Project contained in Chapter III of the Draft EIR. Table VI-11, pages VI-170 to VI-172, of the Draft EIR identifies specific proposals and identifies why they could result in greater impacts than those outlined by the Project or Alternatives.

Response to Comment 84-26

Refer to Response to Comment 84-5 for a discussion of why the “port-related heavy industrial uses” portion of the suggested alternative would not offer any benefit beyond that provided by the Project; therefore, reconfiguration of Alternative 5 is not warranted.

Response to Comment 84-27

The comment that early transfer brings the portion of the cleanup to be performed by the Agency or Project Applicant under the umbrella of CEQA is acknowledged. The Draft EIR evaluates the potential environmental activities undertaken by the Agency or Project Applicant in the case of early transfer. Impact HZ-12 analyzes the potential impacts of such remediation, and characterizes the impact as less than significant with mitigation. Under mitigation measure MM HZ-12, the Agency, Project Applicant, or contractor, shall comply with all requirements incorporated into remedial design documents, work plans, health and safety plans, dust control plans, and any other document or plan required under the Administrative Order on Consent. Under the agreements, the Agency and Project Applicant would be responsible for remediating previously unidentified hazardous material releases to the extent agreed to with the Navy; the Navy would pay the Agency for completing the specified work and would pay for the costs of environmental insurance for the work. The Navy will remain liable for costs not covered by the agreement or insurance, and in particular for any radiological material releases that need to be addressed. Refer to Impact HZ-12 and mitigation measure MM HZ-12 for further detail.

Refer to Master Response 15 (Proposition P and the Precautionary Principle) for a discussion of for the applicability of Proposition P to early transfer.

Response to Comment 84-28

Refer to Response to Comment 48-3 regarding the selection of alternatives.

Response to Comment 84-29

Refer to Response to Comment 84-5 regarding the inability of the suggested alternative (port-related heavy industrial uses) to achieve the Project's objectives or to offer any benefit beyond that provided by the Project, and its incompatibility with the City's vision or the redevelopment plans adopted for the area.

Response to Comment 84-30

Page VI-59 of the Draft EIR describes how a direct crossing of Yosemite Slough would provide benefits that would not accrue without a direct bridge connection. The visual and physical connection at the mouth of the slough, the utility and ease of access that a bridge at the mouth of the slough would provide for multiple modes of transit (pedestrians, bicyclists, and transit riders), would each encourage travel that would not otherwise occur.

With regard to the compatibility of high-rise towers with the existing five story, and fewer, buildings of the Bayview neighborhood, less than significant impacts were identified. Page III.B-39 of the Draft EIR states regarding Candlestick Point:

The Project would result in a substantially different built environment compared to the existing character of the site and vicinity. The scale of development would contrast with existing patterns; Candlestick Point would include residential towers ranging from 220 feet to 420 feet in height, and regional retail and arena uses. The mixed-use pattern with the Project at Candlestick Point would transition from lower-density residential uses near existing neighborhoods to higher density residential and commercial uses. Development at Candlestick Point would have similar land uses as existing and proposed uses in Executive Park immediately to the west. With the transition in scale and uses, the extension of the existing street grid, and with the connectivity of new open space with existing shoreline open space, the Project would be compatible with surrounding land uses. The Project would not result in a substantial adverse change in the existing land use character at Candlestick Point or adjacent areas. The impact would be less than significant.

Further, page III.B-40 of the Draft EIR states regarding HPS Phase II:

The Project would result in a substantially different built environment compared to the existing character of the site and vicinity. The scale of development would contrast with existing patterns; HPS Phase II would include two residential towers ranging from 270 feet to 370 feet in height. The football stadium would be a large-scale public facility, with related parking and dual-use open space areas. While this would be a new land use element at HPS Phase II, it would replace the similar-scale use at Candlestick Point. The mixed-use pattern with the Project at HPS Phase II would transition from lower-density residential uses near existing neighborhoods to higher density residential and R&D uses. With the transition in scale and uses, the extension of the existing street grid, and with the connectivity of new open space with existing shoreline open space, the Project would be compatible with surrounding land uses. The Project would not result in a substantial adverse change in the existing land use character at HPS Phase II or adjacent areas. The impact would be less than significant.

Therefore, towers would be located away from existing low-scale residential uses, and would not be incompatible with existing uses.

Response to Comment 84-31

The comment makes an affirmative statement, and proposes that the AFS alternatives are superior to the Project without stating any reasons. No response is required.

Response to Comment 84-32

As described on pages II-49 and II-50 of the Draft EIR:

II.E.6 Green Building Concepts

The Project would comply with all applicable provisions of the City's Green Building Ordinance, which is contained in Chapter 13c of the San Francisco Building Code, and would provide recycling, composting, and trash facilities as required by the City's specifications. The Project has set an energy efficiency performance target of 15 percent below the energy efficiency standards articulated in Title 24, Part 6 of the 2008 California *Code of Regulations* (CCR). Lennar Urban would include measures such as high performance glazing, efficient lighting, daylighting, shading, envelope optimization, reflective roofs, and natural ventilation in the Project design. ENERGY STAR appliances are proposed for all new residential units. In addition, Lennar Urban could also implement renewable energy strategies, such as the use of photovoltaic cells to provide electricity; the use of solar thermal energy to provide space cooling with the use of absorption systems; and/or water for space heating and domestic water systems.

Lennar Urban has also voluntarily committed to constructing all Project buildings to the LEED® for Neighborhood Development Gold standard based on the Pilot Version of the rating system released in June 2007.²⁹ Following the 2007 LEED® ND Pilot Program rating system, preliminary analysis indicates the Project could achieve approximately 63 points, which is in the LEED® ND Gold range, through strategies including but not limited to the following:

- Compact, infill development (including 90 percent of the new buildings fronting on public streets or open space)
- Enhanced habitat values
- Brownfield remediation and urban reuse
- Close proximity to transit and bicycle networks (75 percent of all development would be within ¼-mile walk to a transit stop and Class I, II, and III bikeways provide connections throughout the site and to the greater Bayview community)
- Urban design that promotes walking and discourages driving
- Diversity of land uses and housing types
- Affordable housing that supports a community of mixed ages and income
- Community participation in the community planning and design
- Compliance with the San Francisco Green Building Ordinance
- ENERGY STAR compliance to be documented by a Home Energy Rating System (HERS)
- Unbundled parking
- Drought tolerant plant species and the use of efficient irrigation systems such as drip irrigation, moisture sensors, and weather data-based controllers
- Tree-lined streets throughout the development and streetscape improvements extending from the Project Site to Third Avenue along Gilman and Palou
- Access to public space and recreational amenities through the creation of parks and playfields
- Efficient use of water and the potential use of recycled water for non-potable water uses such as irrigation, toilets, vehicle washing
- Progressive stormwater management to retain and treat stormwater on site and/or in adjacent areas

Essentially, a sustainability plan that identifies each of the strategies that the Project would employ would be adopted as part of the Project. This would address parks and open space, transit, pedestrian connections,

storm water treatment wetlands, and hazardous remediation and cleanup. There is no evidence provided that the AFS Alternatives would meet the Project objectives to a greater degree than the Project.

Response to Comment 84-33

A discussion of the Brisbane Baylands site as a proposed 49ers stadium site is discussed in the Draft EIR on pages VI-161 through VI-163. Page VI-163 states:

The Brisbane Baylands locations are not considered feasible sites for the 49ers stadium for the following reasons:

- The Baylands Specific Plan, although not yet formally adopted, does not include a stadium as an allowed use in either the northern or southern portions of the site. Both sites are designated for commercial, office, institutional, and industrial uses. While planning considerations in a particular jurisdiction can evolve over time, it is expected that the range of uses identified in the Phase I Specific Plan reflect Brisbane's long-term planning goals for the Brisbane Baylands, which plans do not include developing a professional football stadium.
- The Brisbane sites are outside of the City and County of San Francisco. Planning review, and approval of a stadium in Brisbane Baylands would be subject to City of Brisbane jurisdiction. Neither the San Francisco Redevelopment Agency (Agency), the City and County of San Francisco, nor Lennar Urban would reasonably be able to acquire, control, or otherwise have access to a Brisbane site for the purpose of pursuing such alternative locations. Thus, the Brisbane Baylands sites were determined to be infeasible for development of the stadium, and were rejected from further consideration in the EIR.

In conclusion, the Brisbane Baylands site is not a feasible alternative.

Response to Comment 84-34

The AFS Alternative is likely to have a similar "fiscal prudence" to Alternatives 2, 4, and 5, since those alternatives similarly do not include a bridge. Refer to Response to Comment 48-3 about the selection of alternatives. Alternatives are selected to reduce identified significant impacts, and also to attain most of the basic objectives of the Project.

Response to Comment 84-35

Refer to Response to Comment 84-23 about the key concepts in the AFS alternatives and how they have already been evaluated in some form within the Draft EIR; therefore, no new analysis involving such alternatives is necessary. In addition, these ideas were addressed in Chapter VI Alternatives (pages VI-160 through VI-173). Page VI-167 states:

Overall, the Arc Ecology land use alternatives are rejected because they do not reduce or avoid environmental effects of the Project in ways different from the Alternatives examined above. ...

Response to Comment 84-36

The commenter is proposing a comparison of two alternate alternatives to the Alternatives identified in the Draft EIR. The alternate proposals include some portions of the Project, some portions of the Alternatives, and some portions of the Variants identified in the Draft EIR and so are not directly comparable to any one proposal (Project, variant, or alternative) in the Draft EIR. However, the key concepts in these alternate scenarios can be addressed. The key components of the AFS No-Stadium

Alternative include several aspects (aside from the key concepts in common with the AFS Stadium Alternative which are addressed in Response to Comment 84-23): housing is increased to 11,000 units; a second research and development campus on Candlestick Point, with total of 3.5 million of R&D; more parks instead of a new stadium. This alternative would increase housing, R&D, and parks and open space.

Increasing housing in lieu of developing a stadium was evaluated in the Housing Variant (Variant 2) (in Chapter IV (Project Variants)). The Housing Variant (Variant 2) included analysis of 10,500 units, which is within 5 percent of the AFS No Stadium Alternative housing. The Draft EIR analysis shows that the Housing Variant (Variant 2) would likely have fewer impacts compared to the Project in traffic, aesthetics, shadows, wind, noise, hydrology and water quality, and public services.

Increasing R&D in lieu of developing a stadium was evaluated in the R&D Variant (Variant 1) in Chapter IV (Project Variants). The R&D Variant (Variant 1) included analysis of 5 million gsf of R&D, which is more than that proposed in the AFS No Stadium Alternative. The Draft EIR analysis shows that the R&D Variant (Variant 1) would likely have fewer impacts compared to the Project in shadows and wind; and greater impacts compared to the Project in traffic, noise, hydrology and water quality, public services, and greenhouse gas emissions.

Increasing parks in lieu of developing a stadium was evaluated in Alternatives 3 and 5. Alternative 3 proposes less development all around and is not a good comparison to the AFS No Stadium Alternative. Alternative 5 was developed to reduce construction impacts generally and to avoid impacts to biological resources associated with bridge construction and operation. Significant traffic, noise, and air quality impacts would not be reduced. Construction impacts that relate to the size of the development footprint would be reduced by this alternative.

As with the analysis of the AFS Stadium Alternative, the reduction in any one element of the Project would not necessarily reduce the cost of the Project, or eliminate Project impacts as asserted by the commenter, since other elements or features would be introduced. The tradeoffs among alternatives are rarely simple numeric calculations but involve a trading and weighting of desirable and often mutually excluding objectives.

Response to Comment 84-37

The Draft EIR does analyze an alternative with no bridge and in which the proposed BRT route travels in the route around Yosemite Slough proposed by the commenter. Refer to Section VI.C (Analysis of Project Alternatives) in the Draft EIR, and refer to subsection VI.C.2 Alternative 2 (CP-HPS Phase II Development Plan; No Yosemite Slough Bridge).

Response to Comment 84-38

The commenter suggests that the Project could impede the inland migration of tidal marsh habitat, presumably as sea level rises. In a few areas that are gradually sloped from the bay shoreline inland, small patches of tidal salt marsh could gradually migrate inland as sea level rises. In most area, however, in the absence of the proposed shoreline improvements, shoreline habitat would be lost to sea level rise, and high waters of the Bay may encroach into developed areas that do not provide suitable conditions for tidal marsh. However, the proposed shoreline improvements will allow for shoreline conditions to be adapted as sea level rises. Furthermore, sediment accretion on the outboard sides of these shoreline treatments may

keep pace with sea level rise so that at least some mud flat, and possibly some tidal marsh, could be maintained in areas that currently provide such habitat (i.e., in more sheltered areas such as South Basin that are not subject to heavy erosion).

Response to Comment 84-39

In reference to the comment that sea level rise may inhibit the movement of wildlife under the Yosemite Slough bridge in the future, refer to Response to Comment 75-7.

Response to Comment 84-40

In reference to the comment that the Project could impede the inland migration of tidal marsh habitat, refer to Response to Comment 84-38. The commenter's suggestions regarding the potential locations of areas on CPSRA where planning for marsh progression as sea level rises may have merit, but restoration of marshes on CPSRA would be subject to the master planning effort being performed by State Parks rather than being something that can be planned by the CP/HPS applicant.

Refer to Response to Comment 101-34 for a discussion of how the Project ensures no net loss of wetlands or jurisdictional/regulated waters.

Response to Comment 84-41

Refer to Responses to Comments 84-38 and 84-40 for a discussion of potential effects of the Project on the locations of tidal wetlands as sea level rises

Response to Comment 84-42

In reference to the comment that sea level rise may inhibit the movement of wildlife under the Yosemite Slough bridge in the future, refer to Response to Comment 75-7.

Response to Comment 84-43

In reference to the comment that the Draft EIR does not adequately address the impacts of sea level to tidal wetlands and the wildlife that depends on them, refer to Response to Comment 57-3.

Response to Comment 84-44

Refer to Response to Comment 47-29 for a discussion of how the EIR arrived at an appropriate standard of significance for evaluating impacts to recreational facilities, and how parkland ratios at the Project site would be well above this significance standard at all phases of the Project.

Response to Comment 84-45

Candlestick Point and HPS Phase II will provide a continuous set of parks that will allow, and invite, residents and others to view and use them as a single, integrated open space. Pedestrian, bicycle, and transit travel between the two sections of the site will be facilitated by the proposed bridge over Yosemite Slough,

which would connect two key pieces of open space with its proposed green roadway. Thus, it is reasonable to consider the parkland ratio for the Project site as a whole.

As the commenter notes, the parkland ratios for both Candlestick Point and HPS Phase II exceed the ratio that the EIR uses as a standard of significance—there is sufficient parkland in both sub-areas to avoid a significant adverse impact. Even if the two subareas of the Project are considered separately, each subarea has sufficient parkland to serve its population without causing substantial physical degradation.

Moreover, the commenter’s calculation includes employment figures as part of the population using parkland. The “benchmark” figure that the commenter proposes, however, the 7.1 parkland acres per 1,000 population ratio in the City as a whole in 2008 does not include employees. Adding employees to this ratio would reduce it substantially, and the Project’s parkland ratios would be much closer to the proposed “benchmark.”

Moreover, including employees in the parkland ratio, the approach that is also used by the Draft EIR, is quite conservative. Many people employed on the Project site will also live here; these population figures count such residents twice, and therefore overstate the service population. Further, it is very likely that people employed on the site would use local parks at a significantly lower frequency than residents. To accurately account for the use caused by people working on the site (and the accompanying degradation of the facilities), an analysis would likely count each such user as some fraction of a resident, because they use parks less than residents. Thus, the effective population served by the Project’s parkland likely will be smaller than reported in the EIR and the parkland ratios likely will be higher. The Draft EIR, by taking a conservative approach and counting every person employed on the site as a part of the service population, overstates the use of parks. The calculations in the Draft EIR demonstrate that there will be sufficient parkland on site to meet residents’ and employees’ needs without causing overuse and deterioration of parks.

Response to Comment 84-46

In reference to the question regarding whether construction-related impacts to biological resources were assessed in the Draft EIR, refer to the “Construction Impacts” section of Section III.N (Biological Resources) on pages III.N-50 through III.N-100 of the Draft EIR.

Response to Comment 84-47

Refer to Response to Comment 83-3 for a discussion of environmental health concerns associated with Project operation. Further, the Project evaluated potential health effects due to potential exposure to diesel particulate matter during construction activities in Impact AQ-2 and proposed MM AQ-2.1 and MM AQ-2.2 to address these issues. TACs from construction activities were addressed in Impact AQ-3. Refer to Master Response 19 (Proposed BAAQMD Guidelines), which provides updated community-scale analyses based on the most recent guidance, and Master Response 5 (Health of the Bayview Hunters Point Community) for a discussion of health outcomes in the Bayview community.

Response to Comment 84-48

Refer to Response to Comment 84-47.

Response to Comment 84-49

Refer to Master Response 15 (Proposition P and the Precautionary Principle) for a discussion of Proposition P.

■ Letter 85: Arc Ecology (1/12/10)

1 of 136

Letter 85

Arc Ecology

Environment, Economy, Society, & Peace

12 January 2010

Mr. Stanley Muraoka
Environmental Review Officer
San Francisco Redevelopment Agency
One South Van Ness Avenue, Fifth Floor
San Francisco, California 94103



RE: Public Comment on Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project (formerly the "Bayview Waterfront Project") Draft EIR [DEIR]

Dear Sirs:

Arc Ecology is re-submitting our document **ALTERNATIVES FOR STUDY** as formal commentary on Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project (formerly the "Bayview Waterfront Project") Draft EIR [DEIR].

We believe the authors of this DEIR did not fully understand or appreciate the spectrum of issues and problems **ALTERNATIVES FOR STUDY** addresses.

Sincerely,

A handwritten signature in cursive script that reads "Saul Bloom".

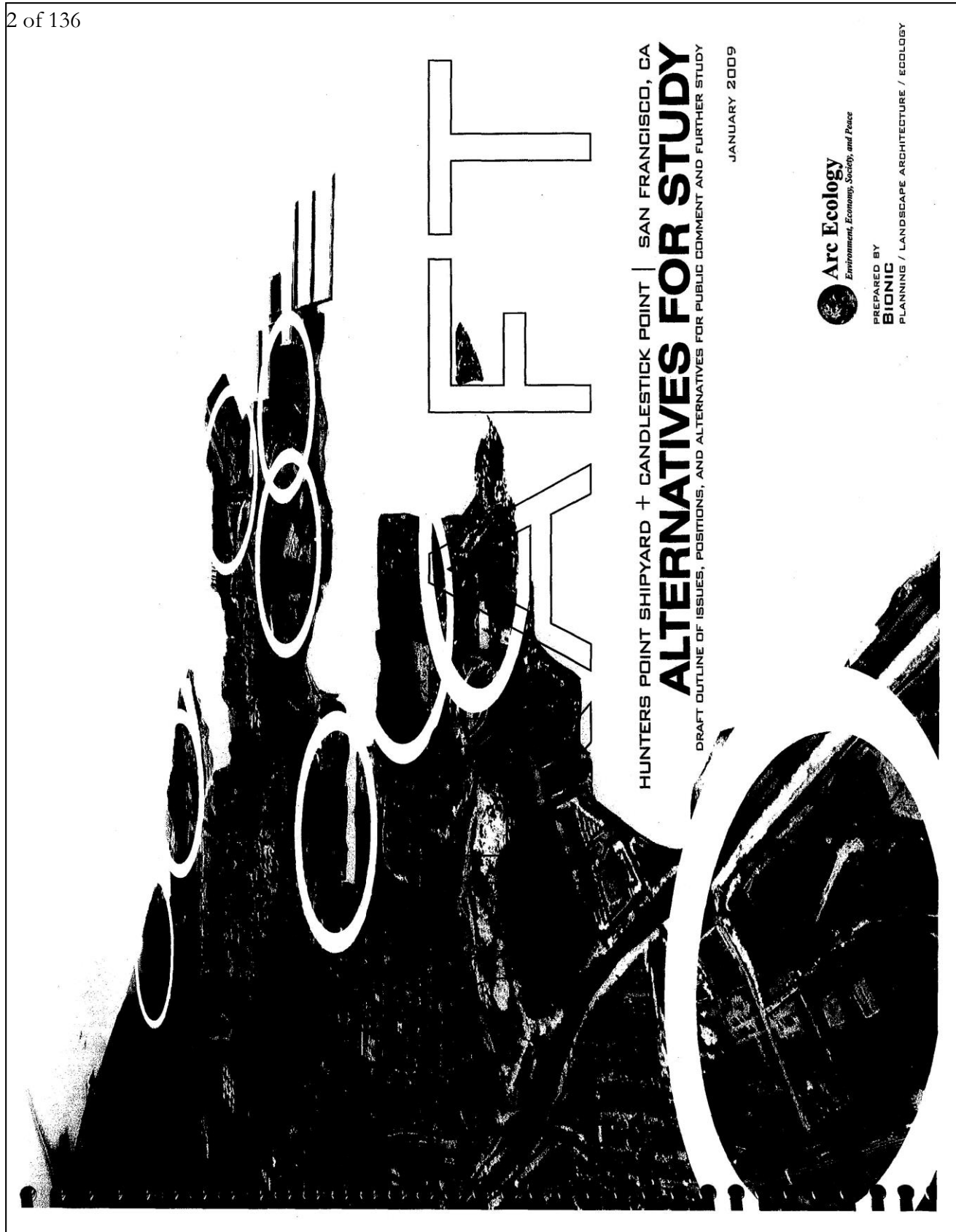
Saul Bloom
Executive Director
Arc Ecology

Enclosures: **ALTERNATIVES FOR STUDY**, draft January 2009

85-1

4634 3rd Street, San Francisco, California 94124, United States of America
PHONE: 415.643.1190 | FAX: 415.643.1142 | EMAIL: info@arcecolgy.org

2 of 136



HUNTERS POINT SHIPYARD + CANDLESTICK POINT | SAN FRANCISCO, CA
ALTERNATIVES FOR STUDY
DRAFT OUTLINE OF ISSUES, POSITIONS, AND ALTERNATIVES FOR PUBLIC COMMENT AND FURTHER STUDY

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415-206-0648

DRAFT

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EXECUTIVE SUMMARY

THE NEED FOR A STUDY OF ALTERNATIVES

If community residents are to influence redevelopment decisions that will bring big changes to their lives, they must understand their options for addressing long-standing needs: economic, social and transportation, remediation of pollution, and recreation and open space amenities. Evaluating realistic alternatives helps the community to prioritize objectives, clarify trade-offs, and lay the foundation for agreement about the future. "Candlestick Point and Hunters Point Shipyard Phase II" (CP/HPS) is a joint effort by Lennar Urban and the SF Mayor's Office of Economic and Workforce Development.

Lennar and the City of San Francisco have proposed a development plan for the 750-acre site encompassing Hunters Point Shipyard, Candlestick Point State Recreation Area, Monster Stadium, and Alice Griffith Housing. It is time for residents of the Bayview-Hunters Point Community, and the whole City, to ask whether this proposal will fully meet their needs. As currently proposed, it calls for:

- a 60% increase in the neighborhood's population;
- a new football stadium that would attract 10,000 cars on each of 8–10 game days;
- about 10,000 new apartments and condominiums; and
- 80 acres of commercial space and green industry, promising to generate 7,500 jobs.

The project is proposed as a public-private partnership in which the City will give the land to Lennar at no cost, and Lennar will be responsible for preparing the land for development. Lennar will do this using its own funds and City tax revenues that the development will ultimately generate. **Lennar's current design plan consists of a single land use concept with two variations: one with a football stadium, the other without.**

85-2

The goals of Lennar's proposal match the community's goals: new jobs, affordable housing, environmental sustainability, Bay access, recreational opportunities, and preservation of natural habitat. **The challenge now before the Bayview-Hunters Point community and the City as a whole is to determine whether the Lennar proposal would be effective in achieving these goals.** Comparing the Lennar proposal with other design alternatives that have the same goals can reveal whether changes to the Lennar project would improve its effectiveness and provide a better return on the investment of public resources. **Unfortunately, the City's planning process so far has omitted such a comparative analysis.**

The purpose of this report is to address this shortcoming in the process. Based on a detailed understanding of the site's natural and socio-economic-cultural context, **we have created a set of alternatives that explore changes to the Lennar proposal** that would strengthen its economic, social, and environmental benefits, while avoiding and reducing some significant impacts. **Even small changes to the plan offer significant new economic, social, and environmental vistas for the Bayview and San Francisco that are not revealed in the Lennar proposal.** The alternatives follow a development program similar to Lennar's, while offering a number of improvements, as discussed below. The report also identifies and evaluates a number of options for locating a football stadium, in the event that the San Francisco 49ers decide to continue to play in this area.

The driving force behind our alternative concepts is a commitment to support active and informed participation by the Bayview-Hunters Point community and fellow San Franciscans in an urgently needed public discussion to improve the Lennar proposal. We have already begun the conversation by consulting with organizations, community leaders, and interested members of the community during development of the alternative concepts that we are now presenting.

In addition, we are requesting that the City analyze our alternatives as part of the Environmental Impact Report now in preparation. **It is our intent to strengthen environmental review of the proposed project by offering alternative concepts** that share its goals and avoid or reduce its environmental impacts.

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cont'd.

BACKGROUND

Arc Ecology's alternatives for the CP/HPS redevelopment site evolved from a careful study of the natural and social ecology of the site itself, its surroundings, and previous planning efforts leading up to the Lennar proposal.

THE PROJECT SITE

Ownership

The CP/HPS redevelopment site belongs to the public: the US Navy owns the former Hunters Point Naval Shipyard; the California Department of Parks and Recreation (CA DPR) owns Candlestick Point State Recreation Area; the San Francisco Recreation and Park Department (SFRPD) owns Monster Park stadium and parking lot; and the San Francisco Housing Authority owns Alice Griffith Public Housing.

Existing Environment

The enormous potential of the CP/HPS site as a community and city resource is strongly related to its location on San Francisco Bay. It offers spectacular views, good weather, water access, recreational opportunities and wildlife habitat. Many San Franciscans are aware that the Shipyard and nearby Yosemite Slough are badly polluted. Fewer realize that these properties are even now the site of tremendous biodiversity providing a habitat and home for over 180 wildlife species—some of them species of concern—and a great variety of native vegetation. Redevelopment of the CP/HPS site has the potential either to degrade and destroy this habitat or to protect and improve it as a precious resource.

Eastern Waterfront

The CP/HPS project is one of 15 major developments, in either the concept, planning, or implementation stage, along the City's eastern waterfront. In aggregate, they will substantially impact the City's transportation and utilities infrastructure, as well as public services such as schools and emergency services. Land use and transportation planning and phasing strategies for CP/HPS must take the larger development picture into account.

Bayview-Hunters Point Community Context

The CP/HPS site is part of Bayview-Hunters Point, a historically African-American community since World War II. It is a community of modest homes, with a higher rate of home ownership (52%) than San Francisco as a whole (32%). Despite the many industrial jobs found there, the Bayview-Hunters Point community suffers high unemployment. In good times and bad, the neighborhood's unemployment rate has been about double San Francisco's. Generating more jobs in Bayview-Hunters Point will not by itself address the neighborhood's high rate of unemployment. Ensuring that new jobs on the redeveloped site will be accessible to existing residents will require businesses that are committed to hiring from the neighborhood as well as employment programs to provide them with training and support. The businesses that have been the most successful in providing jobs for Bayview-Hunters Point residents in the past have been those owned by neighborhood residents.

Earlier Plans for the Properties

Although the Lennar proposal is the first to plan for Hunters Point Shipyard, Candlestick State Recreation Area, Alice Griffith Housing, and Monster Park as a single combined site, it follows earlier efforts to plan separately for the Shipyard and the state park. The existing redevelopment plan for the Shipyard, adopted in 1997, and the Candlestick State Recreation Area Master Plan were both developed with extensive public participation. Lennar's proposal for the CP/HPS site will replace these plans.

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THE STADIUM QUESTION

Despite the fact that the San Francisco 49ers have made no commitment to continue to play in San Francisco, the Lennar proposal assumes that a new football stadium and 90-acre dual-use parking lot will be constructed at Hunters Point. Whether or not a stadium is a good idea for the community or the City, an evaluation of alternative locations, both within and outside the CP/HPS project site is needed.

Potential locations for the stadium off the Shipyard

Without a stadium on the project site, the redevelopment of CP/HPS has far greater potential to meet the economic and social needs of the community. All four of the following options would create minimal traffic impacts to residential neighborhoods:

- **Brisbane Baylands South:** a large site with access to Highway 101 (via the proposed Geneva interchange), with the potential for a convenient game-day Caltrain stop;
- **Brisbane Baylands North:** a large site with future easy access to Highway 101, close to the Sunnydale T-Third stop and the existing Bayshore Caltrain station, with the potential for an adjacent game-day stop;
- **Pier 90-96 Backlands:** owned by the Port of San Francisco, approximately a mile from I-280 access, ten-minute walk to Marin Street light rail stop; and
- **Pier 80:** owned by the Port of San Francisco, approximately ½ mile from I-280 access, 7.5-minute walk to Marin Street light rail stop, walk or take T-Third to the 22nd Street Caltrain station.

Potential stadium locations within the Shipyard

The Lennar proposal places the stadium in the center of the Shipyard (a portion called Parcel G). If there is to be a football stadium within the project site, it is essential to examine other locations as well, and the resulting possibilities to prevent it and its associated parking from dominating sites better used for housing and jobs. The report provides detailed analysis of alternative land use configurations for five stadium scenarios—Lennar’s proposal on parcel G, a new alternative for parcel G, and alternatives for parcels B, C, and no stadium on the Shipyard.

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THE ALTERNATIVE PLANNING CONCEPTS - COMMON ELEMENTS

The alternative concepts presented for discussion are based on the CP/HPS Citizen Advisory Committee's (CAC) and Project Area Committee's (PAC) objectives for the project, the CA DPR's mission statement, and criteria and approaches developed in consultation with numerous stakeholders. The alternatives share many characteristics, including:

- Economic development that provides jobs that more effectively match the qualifications and needs of the Bayview-Hunters Point community;
- Expansion of the African Marketplace into an African-American Cultural District that fosters cultural identity and promotes community-based economic development;
- Remediation of the polluted industrial landfill site (Parcel E2) instead of capping;
- Creation of storm water treatment wetlands;
- Protection and enhancement of existing wildlife habitat at Candlestick Point State Recreation Area;
- A diversity of habitat types to enhance biodiversity throughout the project;
- An improved parkland configuration that addresses the open space inequity in the Southeast community and maintains the width of the shoreline open space for wildlife habitat and human enjoyment;
- Linking the new development to the existing Bayview neighborhood with a linear park, possibly including various water systems, that extends the Yosemite Slough open space to the Third Street commercial district;
- Modification of existing streets to provide improved access to the site instead of constructing a bridge and roadway that would degrade valuable aquatic, wetland and upland habitat;
- Creation of a public access and wildlife corridor to the Bayview Hill natural area;
- Management of sewage and storm water with a watershed-based approach that treats water as a valuable resource;
- Incorporation of low-impact design storm water management features into the open space system
- A spectrum of park sizes (from pocket parks to major open spaces) and character (active to passive), with rich and diverse programming and facilities; and
- Rotation of the proposed Alice Griffith Park by 90 degrees to create a contiguous open space connecting Bayview Hill and Gilman Park to CPSRA and the shoreline.

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ALTERNATIVES - LAND USE AND PROGRAMMING VARIATIONS

Jobs and Economic Development

All the alternatives focus on job training, employment, and business opportunities for the community. Although it is early in the planning process to assess the viability of specific economic development opportunities, it is necessary at this time to ensure that all the land use options provide sites for economic development clusters that are potentially the most responsive to the needs of the existing community. There are a number of promising economic sectors to explore in the context of each project alternatives, including:

- sports and entertainment,
- maritime (boat yard, small craft repair, small ship breaking),
- academic/institutional,
- research and development,
- light industry,
- digital arts, and
- "green collar" (solar installation, etc.).

Arts District

Arts and culture will play an important role in integrating the new development with the existing community. An Arts District (potentially including studio space, an arts park, theaters, etc.) could have a number of different locations, configurations, and themes. It could be integrated with the African-American Cultural Plaza, for example, or with the historic waterfront.

Sports Fields

The redevelopment of CP/HPS has the potential to help the City meet its need for additional sports fields, but it is also important to locate these amenities within walking distance of the community. The report evaluates several optional locations and configurations.

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Transportation

The Lennar proposal calls for a roadway through state park property and an 80-90 foot wide bridge over the mouth of the tidal inlet known as Yosemite Slough. This bridge would be used by cars only 8 to 10 days a year and would decrease driving time by only three minutes. The bridge would be an impediment to birds moving between the Bay and the slough's wetlands and would seriously reduce the worth of the State Parks Foundation's ecological restoration project now in progress, including new islands for nesting. Arc Ecology's report lays out alternative routes for the Bus Rapid Transit (BRT), auto and truck traffic, and pedestrian and bicycle access that eliminate any reason to construct an expensive and environmentally damaging bridge.

POSSIBILITIES BEYOND THE PROJECT BOUNDARIES

The alternatives create the potential for future projects beyond the boundaries of the current planning site. This study explores ways to strengthen connections between CP/HPS redevelopment and the existing Bayview neighborhood with a linear park and to create a new connection of the Yosemite Slough open space to the Third Street commercial district.

NEXT STEPS

The report will be available in hardcopy and on Arc Ecology's website (www.arcecology.org/afs). Arc Ecology will present these alternative concepts at a number of workshops and will encourage as many people as possible to contribute their ideas and opinions. Based on the feedback received, we will revise the report by March 2009 to further inform the City's ongoing planning process—including the efforts of the Hunters Point Shipyard Citizens Advisory Committee (CAC) and Project Area Committee (PAC) in their challenging task of recommending a redevelopment plan that maximizes return to the community on the public and private resources that will be invested in this site.

85-2
cont'd.

INTRODUCTION

If people are to influence redevelopment decisions that will bring big changes to their community, they must understand their options. What are the opportunities to address long-standing economic and social needs? To repair a degraded and polluted environment? To ensure connection between the people who will live and work in the new development and the existing community?

Do proposed redevelopment plans address these opportunities adequately? Can the plans be improved to better meet community needs?

To answer these questions and achieve a plan that reflects the community's needs and desires the redevelopment planning process must include a comparison of realistic alternatives. In evaluating alternative planning concepts, communities focus their priorities, clarify trade-offs, and lay the foundation for agreement about their future. Alternatives are essential when a redevelopment proposal would bring deep and lasting change to the lives of people in the affected community. CEQA, the state law that requires all proposed projects undergo analysis of their potential environmental impacts, also requires that alternative ways to achieve a project's goal be analyzed in order to ensure that better options are not overlooked or ignored.

The redevelopment of the 750-acre Candlestick Point/Hunters Point Shipyard (CP/HPS) site, proposed by the Lennar Corporation, is a project that will forever change life in the surrounding Bayview-Hunters Point neighborhood due to its scale and its socio-economic and environmental impacts. As currently proposed, the Lennar proposal calls for a 60% increase in the neighborhood's population; more than 20,000 new residents would join the 33,000 people who currently live in the neighborhood (roughly defined as ZIP Code

California Environmental Quality Act (CEQA)

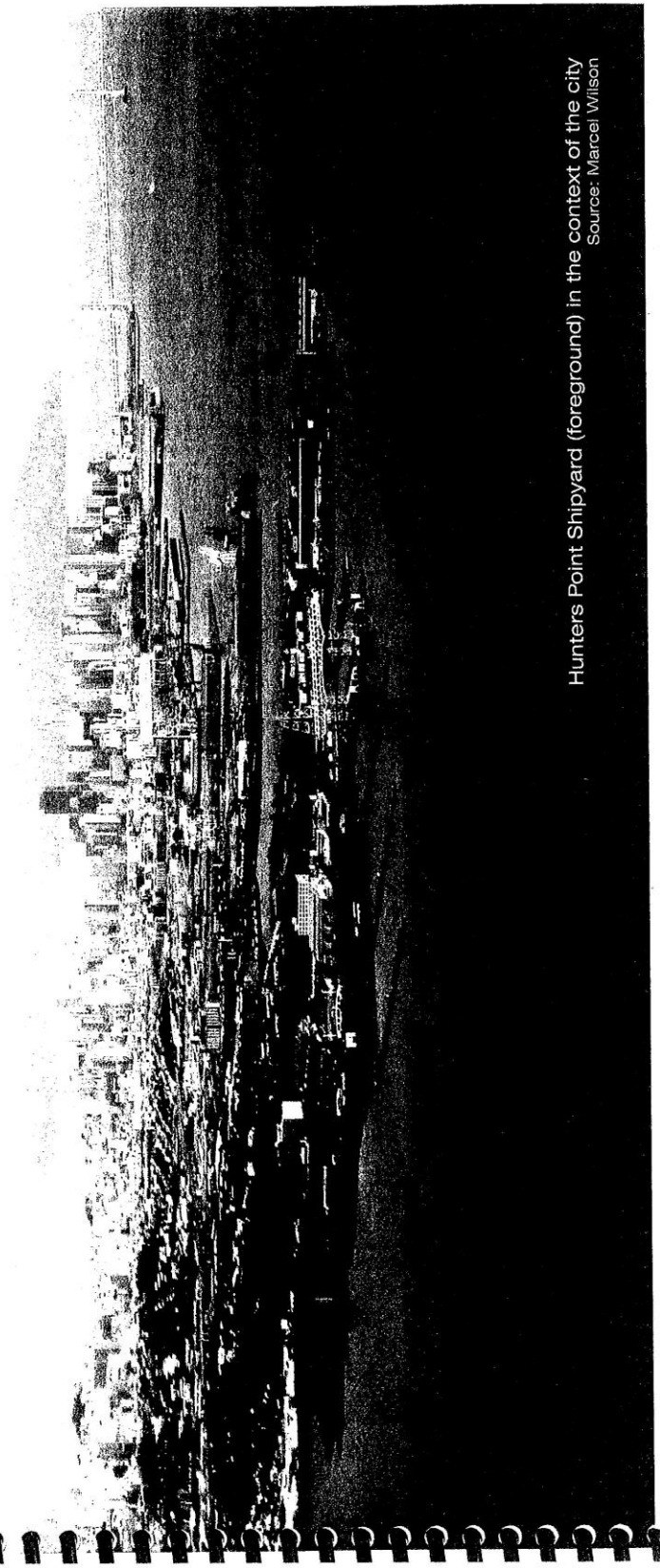
Alternatives are a central feature of this law. It was passed to ensure that public officials and the general public know about options to protect the environment when they are considering decisions that could cause harm to the environment.

The law requires review of the environmental impacts of a proposed project to include an analysis of alternatives that would avoid or reduce those impacts. The National Environmental Policy Act also requires analysis of such alternatives.

85-3

85-4

14 of 136



Hunters Point Shipyard (foreground) in the context of the city
Source: Marcel Wilson



Lennar proposal—Land Use Plan
Lennar proposal—Land Use Plan
Lennar Urban, 9/25/08.
Source: Candlestick Point/Hunters Point Shipyard Urban Design Plan
Lennar Urban, 9/25/08.

85-4
cont'd.

94124). A new football stadium would attract 10,000 cars on 8–10 game days. The proposal would add about 10,000 new apartments and condominiums, and 80 acres of commercial and green industry, promising to generate 7,500 jobs.

The Candlestick Point/Hunters Point Shipyard Phase II Urban Design Plan (9/25/2008) is proposed as a public-private partnership. The City will give the land to Lennar at no cost and Lennar will be responsible for preparing the land for development. Lennar will do this using its own funds and City tax revenues that the development will ultimately generate. The Lennar Urban Design Plan consists of a single land use concept with two variations: one with a football stadium, the other without.

The goals of Lennar's proposal match the community's goals: new jobs, affordable housing, environmental sustainability, Bay access, recreational opportunities, and preservation of natural habitat.

85-5

The challenge now before the Bayview–Hunters Point community and the City as a whole is to determine whether the Lennar proposal would be effective in achieving these goals. Comparing the Lennar proposal with other design alternatives that have the same goals can reveal whether changes to the Lennar project would improve its effectiveness and provide a better return on the investment of public resources. That is the reason why redevelopment projects of this size and level of public funding normally go through a planning process that compares several possible alternatives.

**PROPOSITION G VOTER HANDBOOK: SF DEPARTMENT OF ELECTIONS
SYNOPSIS**

THE PROPOSAL: Proposition G would make it City policy to encourage, subject to public input and the environmental review process, the timely development of Candlestick Point and Hunters Point Shipyard with a mixed-use project including:

- over 300 acres of public park and open space improvements;
- between 8,500 and 10,000 homes for sale or rent;
- about 700,000 square feet of retail uses;
- about 2,150,000 square feet of green office, science and technology, research and development, and industrial uses;
- a possible arena or other public performance site;
- a site in Hunters Point Shipyard for a new stadium if the 49ers and the City determine in a timely manner that the stadium is feasible;
- additional green office, science and technology, research and development, and industrial space, and/or additional housing if a new stadium is not built.

The measure would further make it City policy that the project be consistent with these objectives:

- producing tangible community benefits for the Bayview and the City; reconnecting the Hunters Point Shipyard and Candlestick Point with the Bayview and protecting the Bayview's character for existing residents;
- producing substantial new housing in a mix of rental and for-sale units, both affordable and market-rate, and encouraging the rebuilding of the Alice Griffith Housing Development;
- incorporating environmental sustainability;
- encouraging the 49ers to remain in San Francisco by providing a new stadium site and supporting infrastructure; and
- requiring the project to be financially sound, with or without a new stadium.

Proposition G also would authorize the City to sell, convey or lease park land in Candlestick Point under the Recreation and Park Department's jurisdiction and allow non-recreational uses on this land. The City must ensure that the project creates new public parks or open space of at least equal size in the project site. The Board of Supervisors must find that the transfer of land is consistent with the measure's objectives.

Proposition G would repeal Propositions D and F, approved by the voters in June 1997.

A "YES" VOTE MEANS: If you vote yes, you want City policy to encourage timely development of a mixed-use project in the Bayview on Candlestick Point and Hunters Point Shipyard. This project would include a new 49ers stadium or a non-stadium alternative. You also want to authorize the City to transfer park land in Candlestick Point for non-recreational use if the land is replaced with new public parks or open spaces of at least equal size and the transfer meets the measure's objectives. You also want to repeal Propositions D and F, approved by the voters in June 1997.

Unfortunately, the City's planning process has so far omitted this crucial step. Consistent with Proposition G's commitment to public input and environmental review, this report is an effort by Arc Ecology to address this shortcoming in the process. We have put together a set of alternatives that explore changes to the Lennar proposal that would strengthen its economic, social, and environmental benefits, while avoiding and reducing some significant impacts. The specifics of these alternatives are the result of a design process based on ecological principles and a detailed understanding of the site's natural and socio-economic-cultural context.

85-5
cont'd.

These alternatives also respect and build on the City's on-going planning process. In June 2008, San Francisco voters endorsed Proposition G, which recommends policies consistent with Lennar's proposed development program. The Board of Supervisors and Redevelopment Commission have accepted Lennar's proposal as the preferred alternative for the site, and the Mayor's Office has been actively promoting it. For these reasons, we based our alternative concepts on a development program similar to Lennar's, while exploring changes in land use arrangements, specifying additional programs, and avoiding environmental impacts.

85-6

Our alternative concepts would suggest ways to change the Lennar proposal in a number of important ways, by:

- Exploring locations both on and off the Shipyard for a football stadium and its parking to prevent it from dominating sites better used for housing and jobs;
- Providing for economic development that targets jobs that match the qualifications and needs of the Bayview-Hunters Point community;
- Planning park lands to protect existing wildlife and preserve and improve the quality of habitat currently found at CPSRA;
- Cleaning up the polluted industrial land fill site known as Site E2 instead of capping it;
- Expanding the African Marketplace into an African-American Cultural District that promotes community-based economic development; and
- Modifying existing streets to provide good access to the site instead of constructing a bridge that would endanger valuable habitat.

The driving force behind our alternative concepts is a commitment to support active and informed participation by the Bayview-Hunters Point community and fellow San Franciscans in an urgently needed public dialogue to improve the Lennar proposal. We have already begun the conversation by consulting with organizations, community leaders, and interested members of the community during development of the alternative concepts that we are now presenting.

MEETINGS TO DATE:

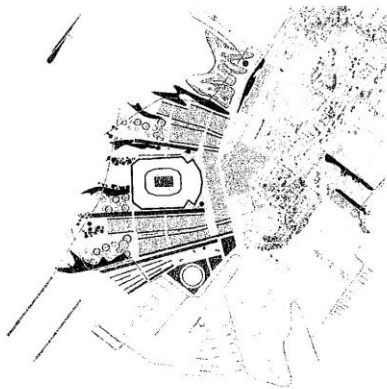
Arc Ecology would like to thank the organizations & individuals who took time in their busy schedules to meet with us in preparation of this document (listing does not imply endorsement).

- Hunters Point Citizens Advisory Committee
- Bayview Hunters Point Project Area Committee
- San Planning and Urban Research Association (SPUR)
- Sierra Club
- San Francisco Tomorrow
- Lennar
- San Francisco Redevelopment Agency
- Literacy for Environmental Justice
- Port of San Francisco
- Neighborhood Parks Council
- Bayview Hunters Point Community Advocates
- Visitation Valley Neighborhood Planning Association
- India Basin Neighborhood Association
- Universal Paragon Corporation
- City of Brisbane Planning Department
- City of Brisbane City Manager's Office
- Supervisor Sophie Maxwell
- San Francisco DPW Bayview Transportation Improvement Project
- Pastor Walker-True Hope Baptist Church
- Pastor Jones-Providence Baptist Church
- Aboriginal Black Men Unlimited
- Cedric Jackson- One Stop Employment
- ACORN
- Shipyard Trust for the Arts
- Urban Strategies Council
- South East Neighborhood Jobs Initiative Roundtable
- California Department of Toxic Substances Control
- Alfred Williams Consultancy
- Golden Gate Audubon Society
- California Native Plant Society
- Nature in the City
- Mark Kasky former Executive Director Fort Mason Center
- Clean Water Fund
- Alex Lantzberg
- SF League of Conservation Voters
- SWALE
- Oscar James-HPS Restoration Advisory Board
- Heidi Hardin-Children's Mural Project
- Claude Everhart-Young Community Developers

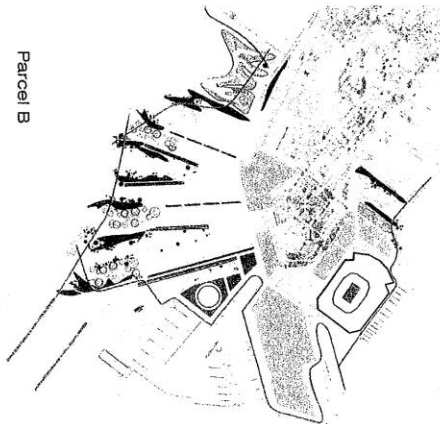
Candlestick Alternative
See pages 82-91 for more detail.



Parcel G



Parcel B



No Stadium



Parcel C



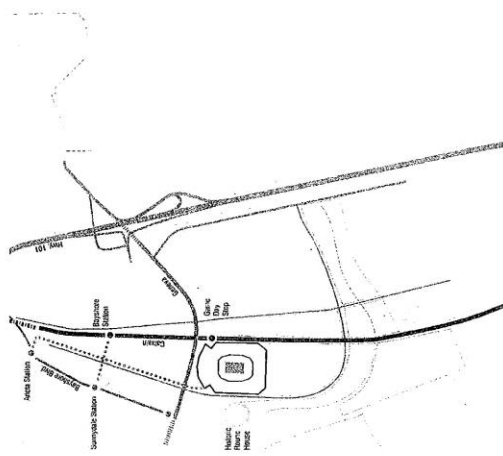
Alternative Locations for the Stadium on the Shipyard
See pages 78-89 for more detail.

The publication of this report marks the second step of our efforts to engage the public in planning the future of the CP/HPS. It presents the alternatives we have crafted and also explains the site analysis used to develop them. This report is available for wide distribution, both in hard copy and on the Arc Ecology website. We are making presentations to interested organizations, and are holding workshops in Bayview-Hunters Point to encourage as many people as possible to contribute their ideas and opinions.

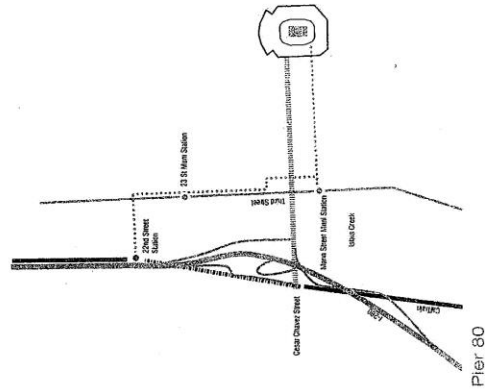
Based on the feedback received during this outreach process, we will revise our report by March, 2009 to further inform the City's on-going planning process. Our purpose is to assist and support the Citizens Advisory Committee (CAC) and Project Area Committee (PAC) in their challenging task of recommending a redevelopment plan to the City that has broad support, minimizes environmental impacts, and maximizes return to the community on the public and private resources that will be invested in this site.

In addition, we will be requesting that the City analyze an alternative that we will propose based on this feedback—as part of the Environmental Impact Report now in preparation. It is our intention to strengthen environmental review of the Lennar proposal by offering alternative concepts that share its goals and avoid or reduce its environmental impacts.

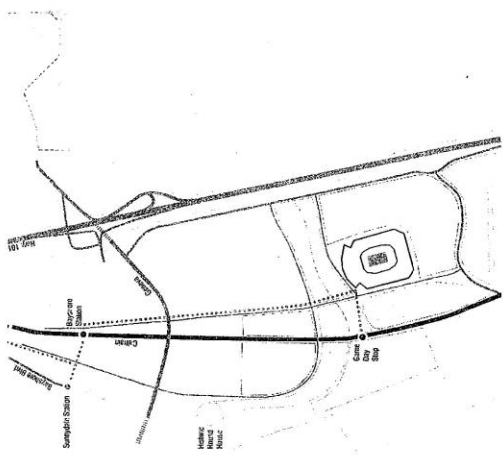
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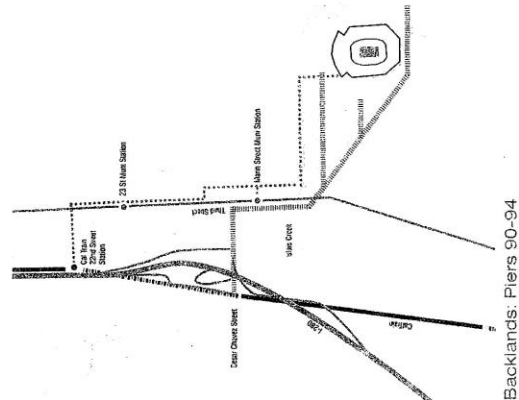
Brisbane Baylands Alternative 1: North



Stadium Location Alternatives off the Shipyard
See pages 69-77 for more detail.
INTRODUCTION 17



Brisbane Baylands Alternative 1: South



Backlands: Piers 90-94

BACKGROUND

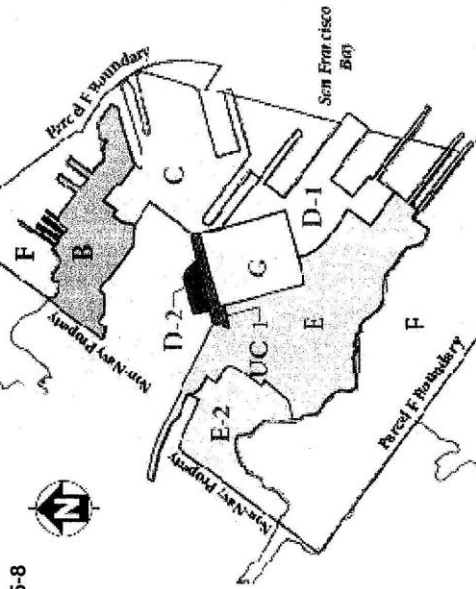
Arc Ecology's alternatives for the CP/HPS redevelopment site evolved from a careful study of the site itself, its surroundings, and previous planning efforts leading up to the Lennar proposal.

THE CANDLESTICK POINT/HUNTERS POINT SHIPYARD SITE

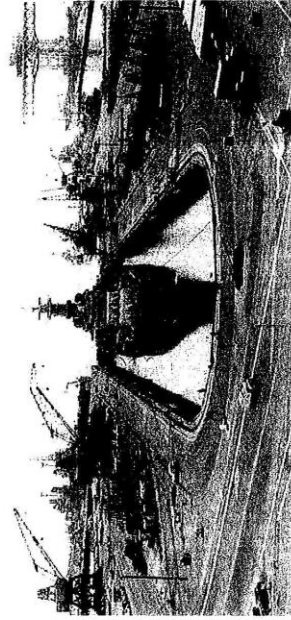
Four Public Properties

The CP/NPS site belongs to the public. The US Navy owns the former Hunters Point Naval Shipyard; California Department of Parks and Recreation (CA DPR) owns Candlestick Point State Recreation Area (CPSRA); the San Francisco Recreation and Park Department (SFRPD) owns Candlestick Park; and the San Francisco Housing Authority owns the Alice Griffith Public Housing. The fundamental opportunities for redevelopment of this site grow out of the physical characteristics of the four sites and their past and current use.

- Hunters Point Naval Shipyard was an industrial installation developed during World War II. Navy operations mostly ended in the 1970's, replaced by private industry operated for several years. These uses seriously contaminated much of the site. The federal government finally closed the base in 1994. Today the Shipyard provides studio space to over 250 artists and other small businesses.
- CPSRA was created in 1977 by the Legislature as the first California state park to bring state park values into an urban setting. It consists of 170 acres that offer trails, picnicking, fishing and wildlife habitat.
- Candlestick Park is host to Monster Park, seating 70,000 San Francisco 49er fans. The 49ers no longer wish to play at Monster Park, and have expressed intent to move to Santa Clara. Some city leaders support a new stadium at HPS in case the Santa Clara deal falls through.
- Alice Griffith Public Housing provides apartments to over 250 low income families. Built in 1962, the housing is in poor condition and needs to be replaced without displacing current residents or causing them to pay more rent.



Hunters Point Shipyard Parcel Map



Hunters Point Dry Dock, 1949

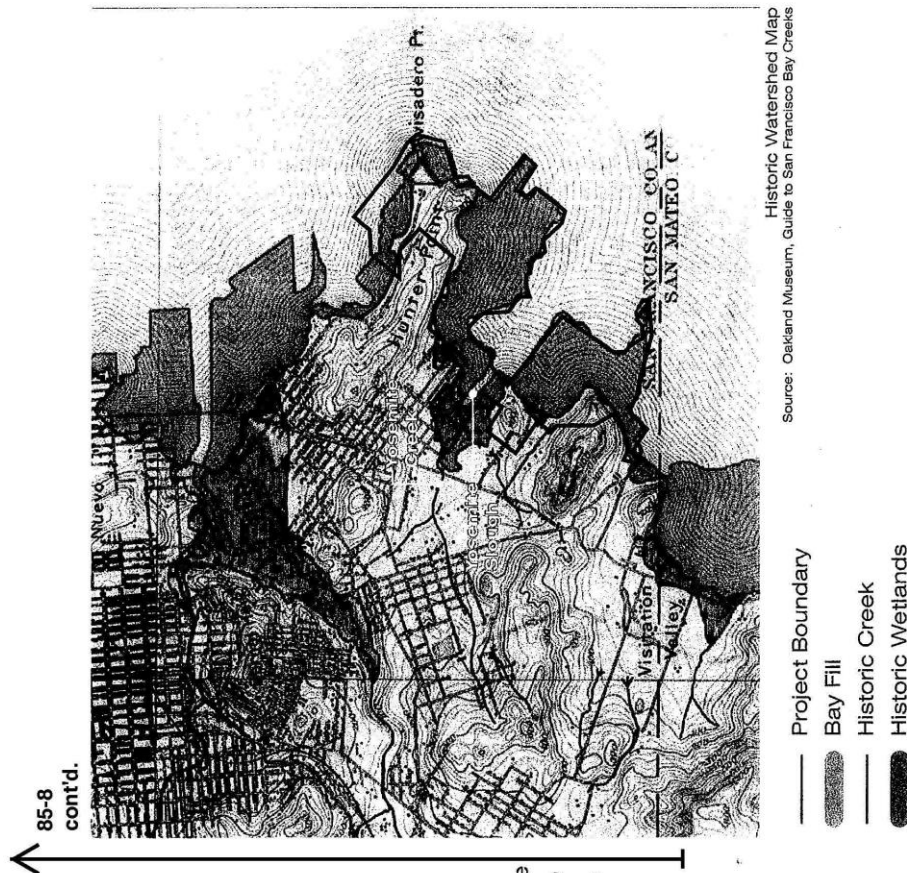


The Candlestick Point/Hunters Point Shipyard site is currently owned by four public agencies.

Existing Environment

The enormous potential of the CP/HPS site as a community resource is directly related to its location near the Bay. It offers spectacular views, good weather, access to the water, and a variety of natural sceneries and habitats, such as coastal uplands, wetlands, and beaches.

Many San Franciscans are aware that the Shipyard and nearby Yosemite Slough are badly polluted. Fewer realize that these properties even now the site of tremendous biodiversity providing a habitat and home for over 180 species of wildlife and a great variety of native plants. Redevelopment of the CP/HPS site has the potential either to degrade and destroy this habitat or to protect and improve it as a precious resource. Streams, runoff, and underground water from the hills to the northwest flow through the site on their way to the Bay.



- | | | | |
|----------------------|---------------------------|-------------------------------|-------------------------------|
| Mew Gull | White-winged Scoter | Common Raven | Cooper's Hawk |
| Ring-billed Gull | Bufflehead | Northern Rough-winged Swallow | Red-shouldered Hawk |
| California Gull | Common Goldeneye | Bank Swallow | Red-tailed Hawk |
| Herring Gull | Red-breasted Merganser | Barn Swallow | Merlin |
| Western Gull | Ruddy Duck | Chestnut-backed Chickadee | California Slender Salamander |
| Glaucous-winged Gull | Red-throated Loon | Bush-tit | Lizard sp. |
| Caspian Tern | Pied-billed Grebe | White-breasted Nuthatch | Southern Alligator Lizard |
| Elegant Tern | echmophorus sp. | Ruby-crowned Kinglet | Western Fence Lizard |
| Forster's Tern | Western Grebe | Hermit Thrush | Gopher Snake |
| Black-bellied Plover | Clark's Grebe | Northern Mockingbird | Ring-necked Snake |
| Semipalmated Plover | Common Loon | European Starling | Western Garter Snake |
| Killdeer | Podiceps sp. | Orange-crowned Warbler | Feral Domestic Cat |
| Black Oystercatcher | Horned Grebe | Yellow Warbler | Feral Domestic Dog |
| Greater Yellowlegs | Red-necked Grebe | Yellow-rumped Warbler | Raccoon |
| Willet | Eared Grebe | Common Yellowthroat | Striped Skunk |
| Wandering Tattler | Brown Pelican | Wilson's Warbler | Harbor Seal |
| Long-billed Curlew | Cormorant sp. | Western Tanager | Black-tailed Jackrabbit |
| Whimbrel | Brandt's Cormorant | Spotted Towhee | Botta's Pocket Gopher |
| Marbled Godwit | Double-crested Cormorant | California Towhee | California Ground Squirrel |
| Ruddy Turnstone | Pelagic Cormorant | Sparrow sp. | California Vole |
| Black Turnstone | Great Blue Heron | Chipping Sparrow | Norway Rat |
| Calidris sp. | Great Egret | Savannah Sparrow | Butterfly sp. |
| Sanderling | Snowy Egret | Fox Sparrow | Swallowtail sp. |
| Western Sandpiper | Black-crowned Night-Heron | Song Sparrow | Cabbage White |
| Least Sandpiper | Rock Dove | Zonotrichia sp. | Mustard White |
| Dunlin | Mourning Dove | Lincoln's Sparrow | Orange Sulphur |
| Dowitcher sp. | Rufous Hummingbird | White-crowned Sparrow | California Hairstreak |
| Red-necked Phalarope | Downy Woodpecker | Golden-crowned Sparrow | Gray Hairstreak |
| Canada Goose | Northern Flicker | Red-winged Blackbird | Blue sp. |
| Duck sp. | Black Phoebe | Western Meadowlark | Western Pygmy-Blue |
| Mallard | Say's Phoebe | Brewer's Blackbird | Spring Azure |
| Canvasback | Western Kingbird | Brown-headed Cowbird | West Coast Lady |
| Scaup sp. | Western Scrub-jay | House Finch | Red Admiral |
| Greater Scaup | Monarch | Lesser Goldfinch | Common Buckeye |
| Skipper sp. | Common Checkered Skipper | House Sparrow | Common Ringlet |

Bayview-Hunters Point Community Context

The CP/HPS site is part of Bayview-Hunters Point, a historically African-American community since World War II. It is a community of modest homes, with a higher rate of home ownership (52%) than San Francisco as a whole (32%).

Despite the fact that Bayview-Hunters Point is an area that has many industrial jobs, it also suffers high unemployment. In good times and bad, the neighborhood's unemployment rate has been about double San Francisco's. There are 1.8 filled jobs within the neighborhood for every BVHP resident working or seeking work. This is significantly higher than the comparable ratio for San Francisco—1.2 jobs for every person in the city's labor force—or the region, where the ratio was 1.4.

This mismatch between neighborhood jobs and neighborhood unemployment exists even though many of the jobs are in traditional industries, not those that require high skills or education levels. These numbers suggest that generating more jobs in Bayview-Hunters Point will not by itself address the neighborhood's high rate of unemployment. Ensuring that new jobs on the redeveloped site will be accessible to existing residents will require businesses that are committed to hiring from the neighborhood as well as employment programs to provide them with training and support. The businesses that have been the most successful in providing jobs for Bayview-Hunters Point residents have been those owned by neighborhood residents.

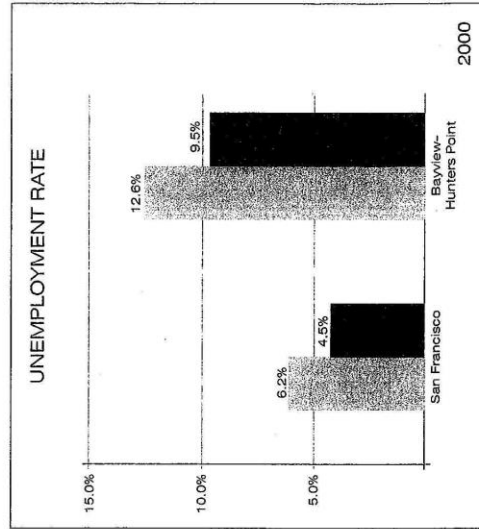
EARLIER PLANS FOR THE PROPERTIES

Although the Lennar proposal is the first to plan for Hunters Point Shipyard, CPSRA, Alice Griffith, and Candlestick Park as a single combined site, it follows earlier efforts to plan separately for the Shipyard and the state park. There is an existing redevelopment plan for the Shipyard that was adopted in 1997, and a State Park Master Plan.

BVHP (Zip Code 94124)	San Francisco	SF-Oak-Fremont S/MSA
Residents in labor force	448,432	745,466
Number of filled jobs in BVHP	534,015	1,034,830
Filled jobs per labor force participant	1.19	1.39

Source: County Business Patterns

85-10



Source: US Census

85-11

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Plans for Hunters Point Shipyard

Many hours of public participation produced the following plans for the Shipyard during the 1990's:

- the Proposed Draft Plan (January 1995) was based on evaluation of three preliminary alternatives, which in turn had been developed as variations of concepts developed during the preceding year;
- the Proposed Area Plan (April 1997) reformatted and revised the Proposed Draft Plan as an area plan that was intended to become part of the San Francisco General Plan;
- the Shipyard Redevelopment Plan (July 1997) reframed the policies at a more general, schematic level to enable the San Francisco Redevelopment Agency to apply the powers of state law to implement the Proposed Area Plan. It is supported by the Hunters Point Shipyard Reuse Final Environmental Impact Report;
- the Design for Development (March 1997) spells out development standards—e.g., limits on density, bulk and heights—and design guidelines; and
- Lennar's Preliminary Design Concept (December 1999), which was approved by the Redevelopment Agency, provided the basis for negotiations over the terms of agreements between selected master developer Lennar and the Redevelopment Agency. The first phase of development, occupying most of Parcel A, is currently in construction.

Lennar's proposal for the CP/HPS site will replace these plans.

However, community goals for the Shipyard articulated by Citizens Advisory Committee (see sidebar, this page) and attached to the 1997 Redevelopment Plan continue to be relevant.

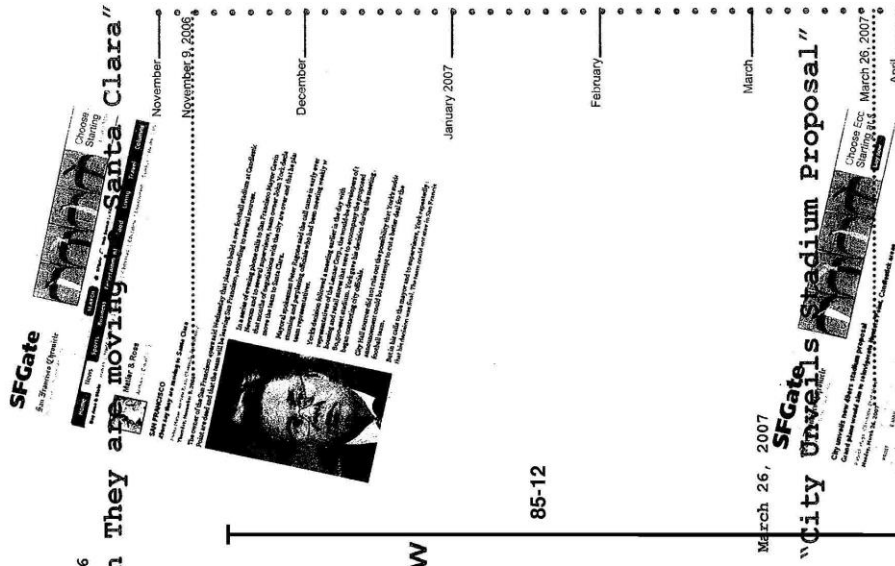
Excerpts from the 1997 Citizens Advisory Committee Planning Meeting Guidelines/ Statement of General Principles for Redevelopment of Hunters Point Shipyard

1. Create Jobs for Economic Vitality
"South Bayshore residents and businesses should be given priority."
2. Support Existing Businesses and Artists' Community
"New uses should be compatible with existing South Bayshore businesses, Shipyard businesses and artists, and other sectors of San Francisco's economy."
3. Create Appropriate Mix of New Businesses
"Encourage diversity with a mix of large, medium and small businesses to generate revenues for the City's general fund and stimulate the economy of the South Bayshore community. Diversify San Francisco's economic base by restoring its industrial sector with uses based on futuristic technologies tied to regional, national and international markets and economies."
4. Balance Development and Environmental Conservation
"Balance development with reclamation of the natural ecology of the southeast waterfront with targeted uses that are environmentally appropriate for the San Francisco Bay."
5. Facilitate Appropriate Immediate Access
"Incorporate an action program to enable immediate access to existing Shipyard facilities, giving preference to South Bayshore businesses and organizations."
6. Integrate Land Uses
"Integrate new uses at the Shipyard into current plans for the Bayview area. Plan for the integration of passive and active open space, affordable housing, transportation and traffic circulation, while minimizing land use conflicts between housing and industry."
7. Acknowledge History
"Include uses that acknowledge the history of the original Native American inhabitants of the Hunters Point area and historic relationship of Bayview Hunters Point's African-American community to the Shipyard."

Source: Hunters Point Shipyard Reuse Final Environmental Impact Report, Vol. I

85-11
cont'd.

BACKGROUND 23



LOCATING A NEW STADIUM IN SAN FRANCISCO

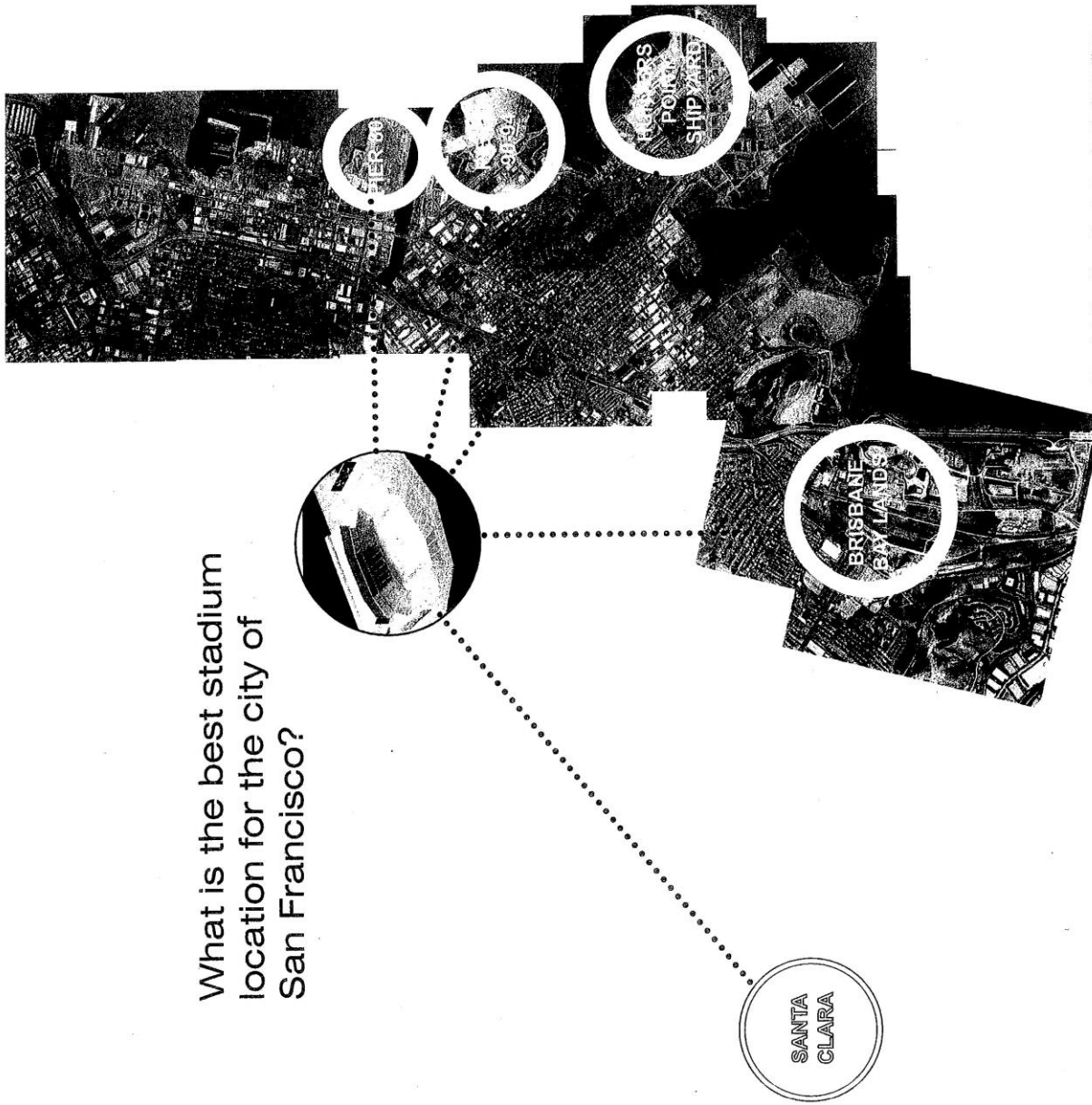
WHY WE NEED TO STUDY ALTERNATIVE STADIUM SITES NOW

The decision to locate a new San Francisco 49ers Stadium was made in the wake of a sudden announcement by the team that they were planning to move to Santa Clara. While the Shipyard is a potential site, it is not the only site. Highway access, transit, area for surface parking, visibility, adjacent land uses, economic advantages, and environmental quality are all considerations for locating a stadium. There are several sites in the southeast corner of the city that could accommodate a new stadium.

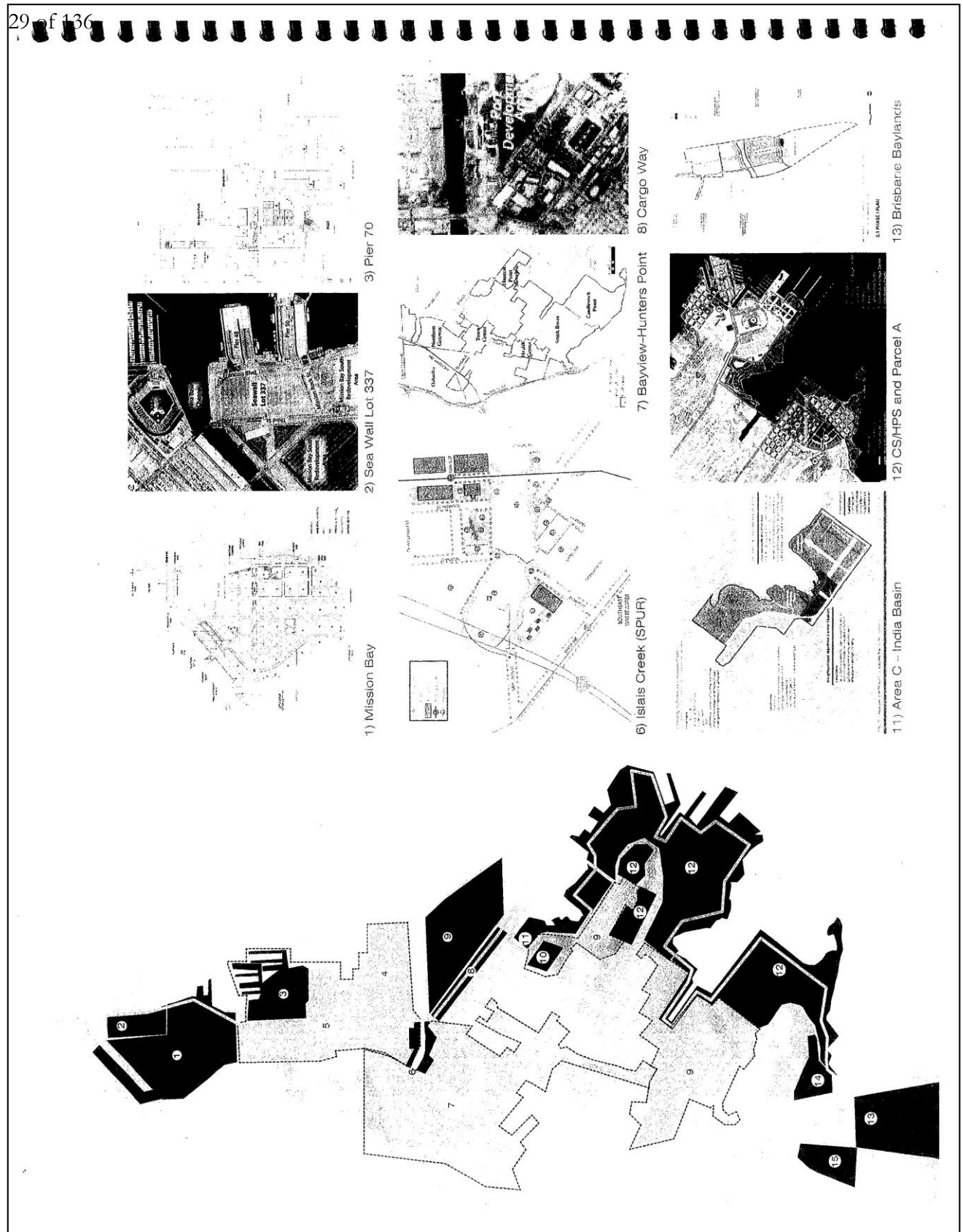
Other locations for the stadium on or off the Shipyard create different sets of possibilities for land uses, infrastructure, and open space on the Shipyard and at Candlestick Point. They affect economics, surface parking, views, traffic, build-out timelines, and programming. Time for a public dialogue regarding the positives and negatives, trade-offs, unknowns, and assumptions for each should surely be a part of finding the site that is truly best for the city.

85-12

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Possible locations for a new football stadium



PLANNING IN THE CONTEXT OF THE EASTERN WATERFRONT

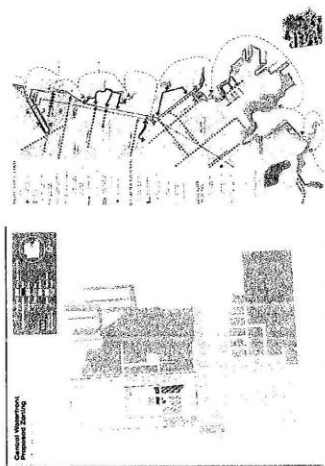
85-13

The redevelopment of the Hunters Point Shipyard and Candlestick Point is one of 15 projects proposed for the east waterfront of San Francisco. Throughout the planning and design process, each of the projects has been treated separately, although in aggregate they will substantially impact the city's communities and infrastructure.

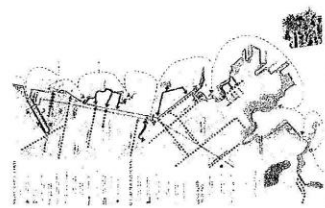
The practice of "island" development prevents the city from conceiving a cohesive vision for the east waterfront. Moreover, the piecemeal approach cannot adequately address the practical consequences of the addition of 50,000 new residences to the area. Infrastructural systems, such as sanitary sewer, storm water management, power supply and distribution, roads, transportation, will need improvement. Additional public services, such as schools, police, fire, social services, and healthcare, will be required. At the larger scale, the additional traffic and development will lead to increased carbon emissions, loss of habitat, and a decline in air and water quality.

Understanding the larger context of development will allow the creation of effective land use and phasing strategies for the Shipyard and other projects that will address the changing demands on public infrastructure and the needs of surrounding communities over the coming years.

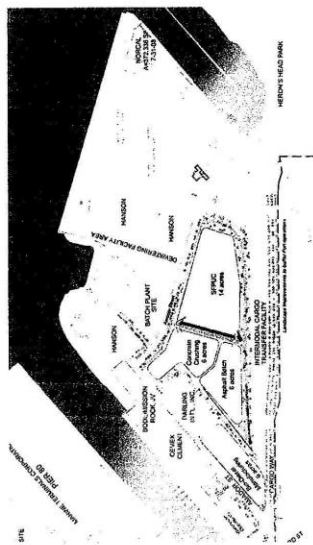
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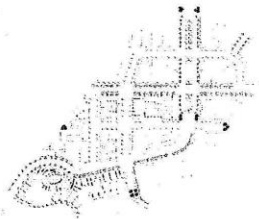
4) Eastern Neighborhoods



5) Blue Green Way



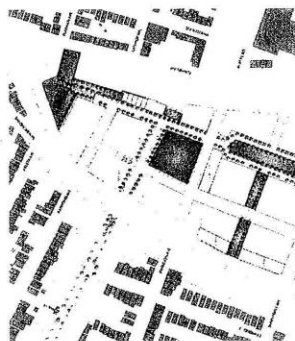
9) Piers 90-94 Backlands



10) Hunters View



14) Executive Park



15) Visitacion Valley/ Schlage Lock

SUMMARY OF DEFICIENCIES IN THE LENNAR PROPOSAL

As a continuous observer and participant in the CP/HPS planning process since 1997, Arc Ecology has tracked the evolution of decisions that have led to the plan as it exists today. While the Lennar proposal (Phase II Urban Design Plan - September 25, 2008) has attempted to accommodate many of the considerations for a project of this scale, significant planning and policy issues remain that need to be resolved through an equitable, public and intelligent process. In addition, the Lennar proposal includes some elements that have received clear opposition from the immediate and city-wide community. Following are 10 areas in which we see ways to improve the project:

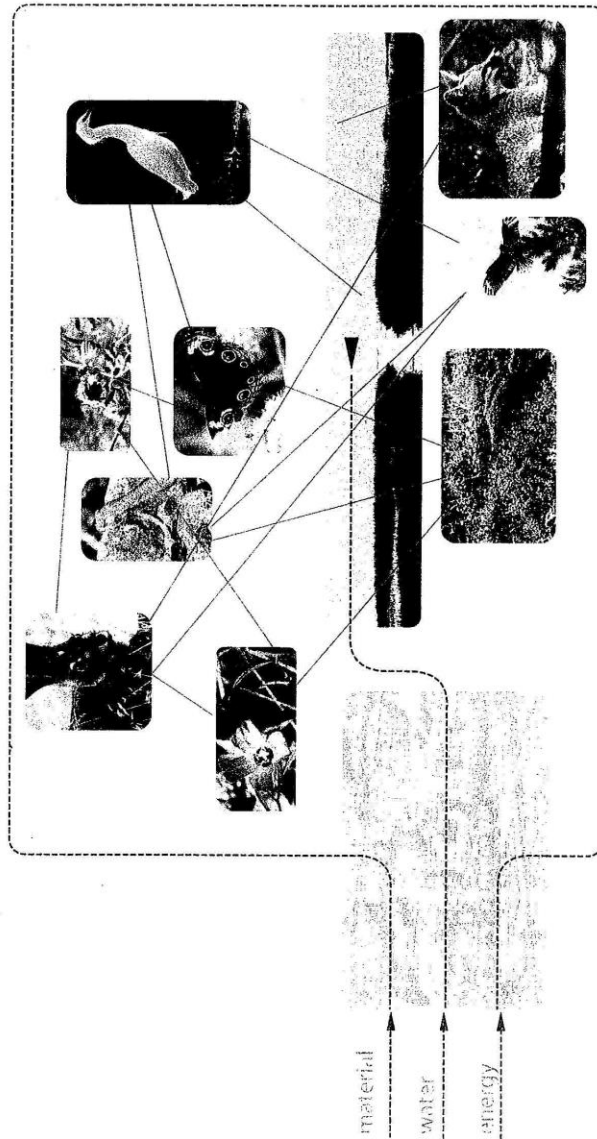
1. Ecological objectives
2. Economic opportunity
3. Locating the stadium
4. Land use on the Shipyard
5. Open space type and proportion
6. Health
7. Cultural identity
8. State park lands
9. Yosemite Slough and Creek
10. Transportation

85-14

1) ECOLOGICAL OBJECTIVES

The Lennar proposal does not define ecological objectives or the integration of urban and ecological systems. This project is an opportunity to do "bottom-up" ecological planning that can enhance biodiversity, the integration of urban and ecological systems, the creation of habitats, the design of building systems, and construction sequencing.

85-15



In urban conditions, human and biological systems can be integrated, but a "bottom-up" ecological approach is required.

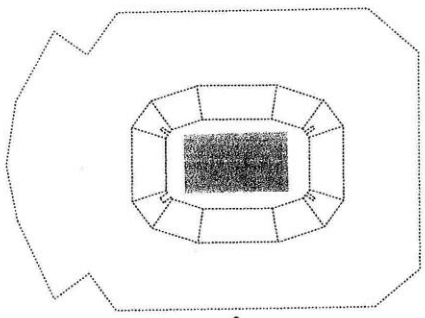
DEFICIENCIES IN THE LENNAR PROPOSAL 29

33 of 106

2) ECONOMIC OPPORTUNITY

The stadium would be a civic amenity, but locating it on the Shipyard may come at a cost. Proposals for the Shipyard without a stadium offer more economic development opportunities because there is more developable land for job and ownership producing uses. This is a specific concern to the Bayview community. Stadium and non-stadium alternatives should evaluate the issues of economic diversity, ownership opportunities, jobs-per-acre analysis, and equity ladders.

85-16



VS

? JOBS =

other uses

30 DEFICIENCIES IN THE LENNAR PROPOSAL

30

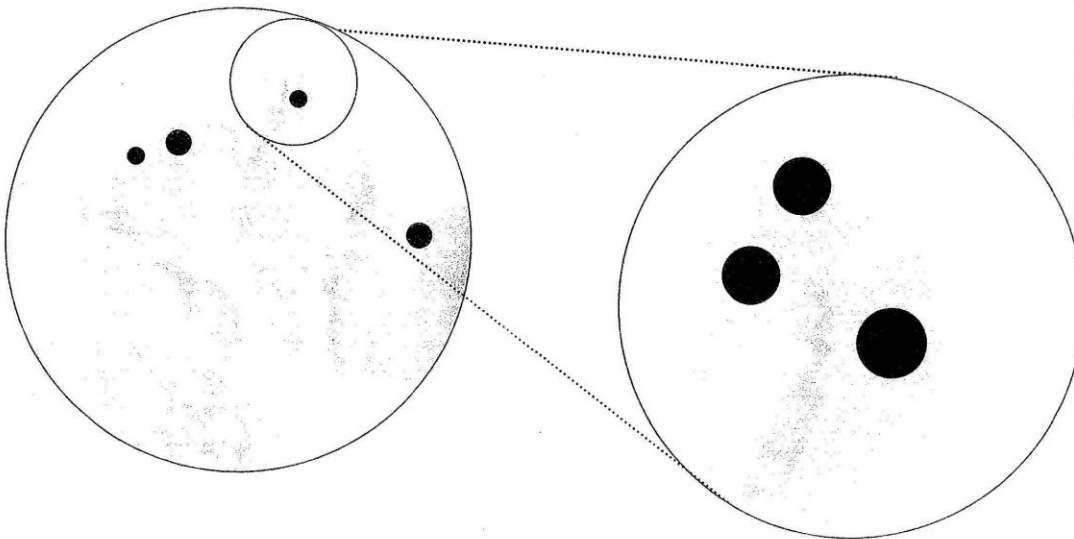
3) LOCATING THE STADIUM

Lennar's decision to locate the stadium on the Shipyard does not appear to have considered other sites, and has not had the benefit of community input. If a new stadium is built in San Francisco, it must be located on the site that is best for the city. If the stadium is to be located on the Shipyard, there are other possible sites in addition to Parcel G.

85-17

4) LAND USE ON THE SHIPYARD

Planning of the CP/HPS site needs to investigate the relationships between a wide range of possible land uses, whether include or exclude a stadium.



Alternative Stadium Locations
See pages 69-99 for more detail.

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5) OPEN SPACE TYPE AND PROPORTION TO DEVELOPMENT FOOTPRINT

People in the southeast sector of the city cannot easily use the large landscapes of San Francisco. Access to Twin Peaks, Crissy Field, Ocean Beach, Golden Gate Park, and even McLaren Park is discouraged by distance and steep hills. Such places contain the wild and native ecologies of the city. In the southeast sector where most wild places have been replaced by urbanization and industry, this becomes an environmental justice issue as well. The CP/HPS project is the only foreseeable opportunity to establish a large-scale landscape of significant habitat value. This will require thoughtful ecological planning balanced with other land uses and open space needs.

85-18



CP/HPS parks system as suggested in alternatives



Golden Gate Park

The CP/HPS project provides the opportunity to create a large contiguous open space in the southeast sector of the city. The potential overall size of such an open space is comparable to that of Golden Gate Park.

6) HEALTH

The local community and city supported Proposition P in 2000 for cleaning up the Shipyard to the highest possible standard. While this directive is being carried out in most of the Shipyard, Parcel E2 remains a capped landfill. The Lennar proposal design proposes to keep the landfill, incorporating it into the design of a park without further cleanup or treatment. Many in the Bayview-Hunters Point community and city-wide would like this toxic dump removed.

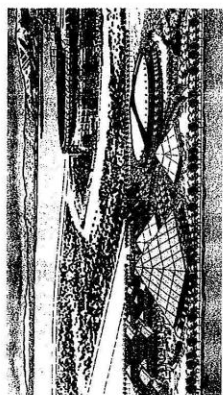
85-19



Parcel E landfill fire

85-20

7) CULTURAL IDENTITY



The 1990's saw a proposal for the creation of Ta-Merri Bay—a center for African/African-American culture located at Candlestick Point.

It has been a long-standing desire to develop and invest in the cultural identity of the African-American community in San Francisco. Project Area Committee member Cedric Jackson's Ta-Merri Bay proposal is emblematic of this desire.

Cultural identities evolve in San Francisco's urban districts. The African-American community should be distinctly represented through urban form to culture a distinct district that celebrates arts, entertainment, music, and cuisine. Other cultures with historic ties to the area, such as Asian fishing villages and Native American settlements, should also have opportunity for significant representation.



The city has the ability to encourage the evolution of cultural districts through urban planning.

DEFICIENCIES IN LENNAR PROPOSAL 33

8) STATE PARK LANDS

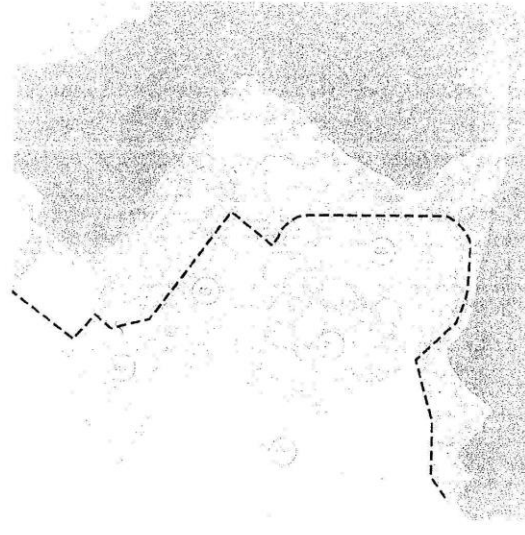
This project should be mutually beneficial for state park lands and the CP/HPS development. The current plan proposes significant land exchanges, a bridge and new roadway passing through sensitive habitat on state park lands, and new territory added to CPSRA. This will affect the park in two significant ways. This will affect wildlife corridors and planned adjacent habitat improvements (top) and significantly reduce the size of the parkland available for habitat and recreational uses (bottom). New lands proposed to be added to the State Park along the Hunters Point shoreline will be so narrow that they will provide neither wildlife habitat nor recreational opportunities other than a pathway along the shoreline.

The CP/HPS development should enable the state park lands to better fulfill the mission of the CA DPR. As it stands, the Lennar proposal compromises the potential of the state park by reducing its size, fragmenting habitat, and building a bridge that would threaten habitat value.

85-21



The Lennar proposal shows a bridge over Yosemite Slough and adjacent habitat improvements.
Source (plan only): Candlestick Point/Hunters Point Shipyard Urban Design Plan, Lennar Urban, 9/25/08.



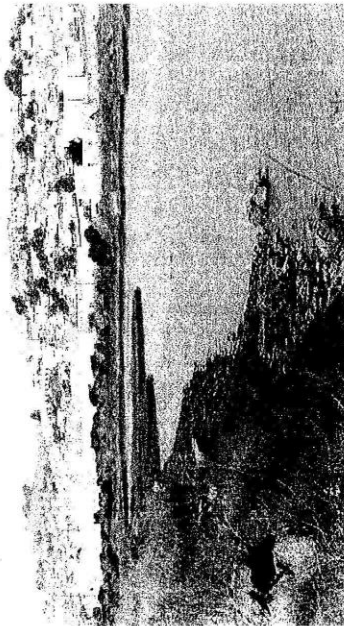
The Lennar proposal will reduce the size of the state park on candlestick point and limit the parks mandate for biodiversity. This figure shows the current park boundary (in red) overlaid on the Lennar proposal.
Source (plan only): Candlestick Point/Hunters Point Shipyard Urban Design Plan, 9/25/08.

34 DEFICIENCIES IN THE LENNAR PROPOSAL

85-22

9) YOSEMITE SLOUGH

Although it is not within the project boundaries, the scale of the CP/HPS project warrants a larger study of its surrounding area that includes expanding the Yosemite Slough as an open space and creating connections to Third Street and its MUNI stops. It is a project that should happen in time, if not concurrently with the CP/HPS project.

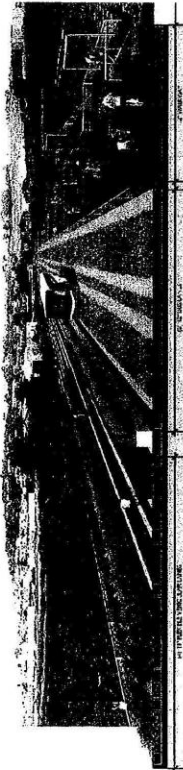


View from the South Basin to Yosemite Slough

Source: Arc Ecology

10) TRANSPORTATION

Lennar's proposal reflects the intent to build a bridge over the most ecologically productive areas of Yosemite Slough. Existing street routes should be studied for their ability to carry traffic in both stadium and non-stadium alternatives. According to the Bayview Transportation Improvement Plan, constructing a bridge could reduce car travel time by only three minutes. The extension of the Yosemite Slough open space corridor can also offer transportation alternatives for consideration.



Lennar Proposed Bridge Rendering
 The proposed approximately 80-90-foot wide bridge would degrade sensitive habitat for the uncertain benefit of football fans driving to the stadium on game days—8-10 days/year.

Illustration source: Candlestick Point/Hunters Point Shipyard Urban Design Plan
 Lennar Urban, 9/25/06.

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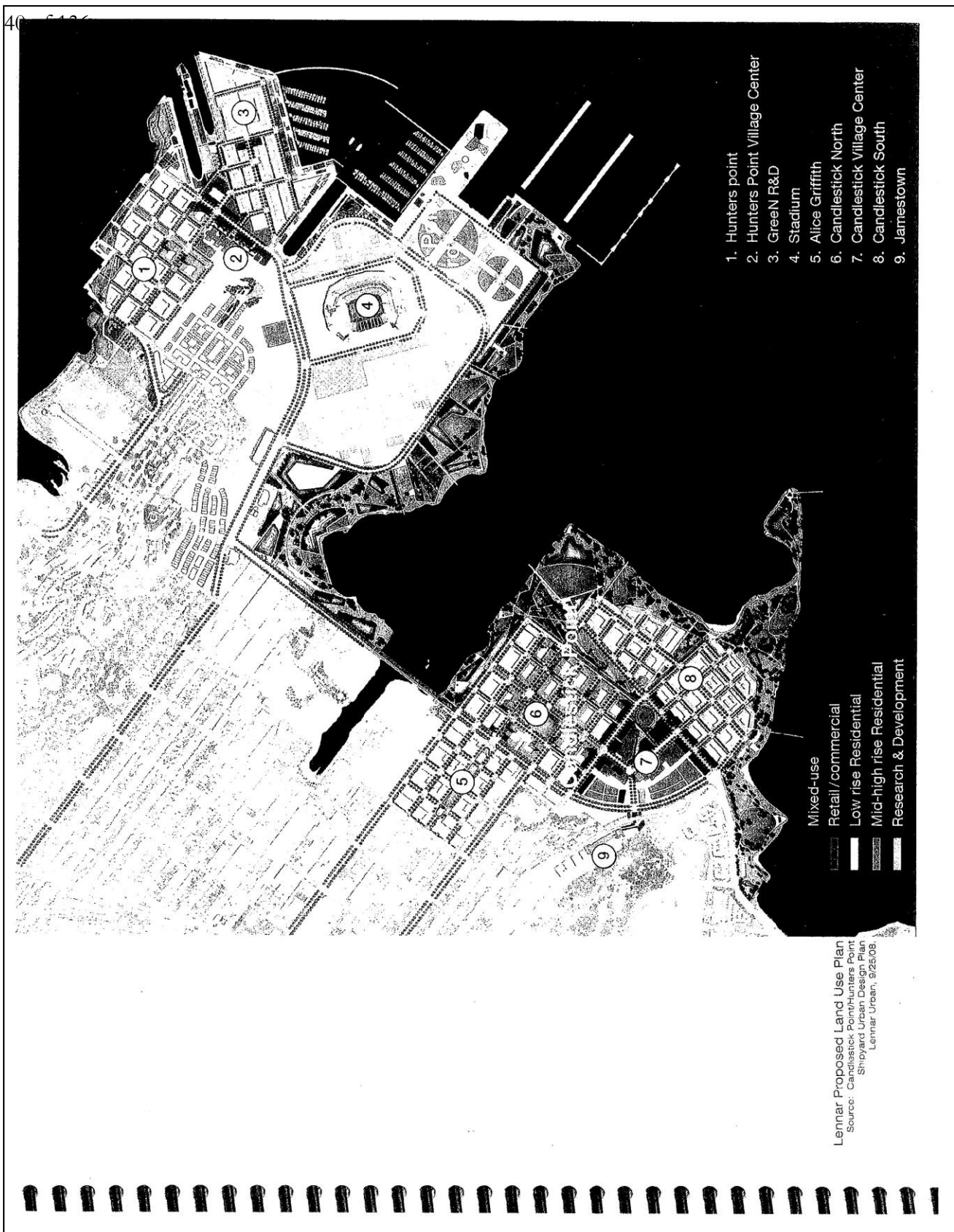
ADDRESSING THE DEFICIENCIES OF THE LENNAR PROPOSAL operating assumptions and positions for creating alternatives

85-23

The 9/25/2008 Lennar proposal reflected great strides in the development of the plan and revealed the thinking behind many of the decisions made to date. This study does not seek to duplicate this work. It is intended to be constructive and add to the rigor of study in this complex process.

The advances in the plan and the release of new information have revealed a set of fundamental issues and deficiencies that warrant alternative approaches for consideration and further study. As discussed in previous section, these issues center around the scale of the project, long-standing inequalities, and the evolution of the project over time. This study has formulated a set of assumptions, positions, inquiries, and objectives to address these issues and to inform the development of alternative concepts. They represent an array of voices and concerns collected by Arc Ecology from the community, planners, scientists, economists, and environmentalists. This collective is a tremendous resource for positively affecting the project and its evolution. Their views are not driven solely by the beat of progress and profit, but the nuanced questions of how the project will perform in the fullness of time, and what kind of legacy we are planning for all things living here long after the construction is complete.

40-5126



Lennar Proposed Land Use Plan
 Source: Candlestick Point Urban Design Plan
 Shipyard Urban Design Plan
 Lennar Urban, 9/25/08

<p>GENERAL POSITIONS & ASSUMPTIONS Based on previous studies and community support, the planning alternatives reflect the following positions and assumptions on selected topics:</p>	
<p><u>Landfill on E2</u> The landfill on parcel E2 is to be removed. A constructed treatment wetland will occupy the parcel.</p>	<p>85-24</p>
<p><u>Yosemite Slough</u> All alternatives assume that the Yosemite Slough open space is to be expanded, and incorporated into the urban design, connectivity, transportation, programming, and ecological planning.</p>	<p>85-25</p>
<p><u>Bridge</u> Alternatives assume that transportation will utilize existing city streets and not a bridge over Yosemite Creek as proposed in the Lennar proposal.</p>	<p>85-26</p>
<p><u>Stadium Design</u> For the purposes of this study, the same stadium footprint was used in each alternative. Each site will have its own opportunities and constraints that would call for appropriate and individual architectural responses.</p>	<p>Art Museum and Cultural Institutions Afro-Centric Cultural Plaza Miwok Indian Cultural Program interpretive loop, trail, monument, skills center Asian Fishing Cultural Program interpretive loop, trail, monument, skills center Shipyard and WWII Memorial Pier</p>
<p><u>Water Systems</u> Water systems shown in alternatives represent area dedicated for this use, not a specific technology.</p>	<p>20,000 seat sports and performance arena High-rise Hotel Outdoor Performance venue on regunning pier Digital arts and media campus</p>
	<p>Observation deck on regunning crane Driving range as adaptive reuse for pier on Parcel C Ship breaking and repair in former dry docks Technical or academic campus Solar arrays on finger piers</p>

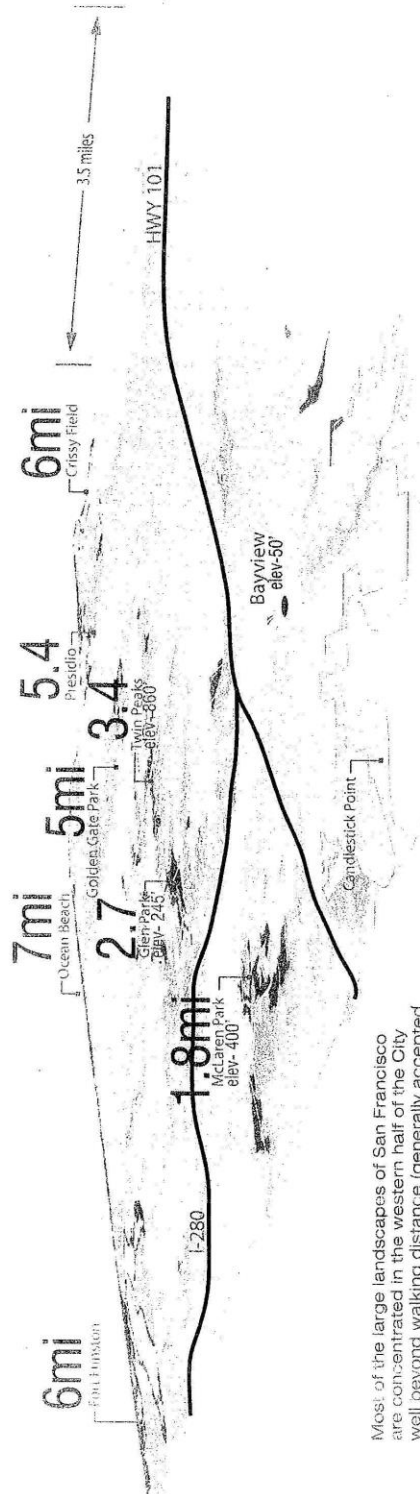
85-26
cont'd.

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OPEN SPACE TYPE AND PROPORTION TO DEVELOPMENT FOOTPRINT

The proportions of the open space should be scaled to create a substantial ecological resource for the southeast quadrant of the city. The other large landscapes and parks of San Francisco should be used as a comparison—Crissy Field, Golden Gate Park, The Presidio, and Twin Peaks. These places to the northeast, or on the hilltops are comprised of the 7 basic flora and fauna communities of the city. We all benefit from exposure, experience, living in proximity, or even knowledge of them. Due to distance and physical barriers, they are virtually inaccessible to the residents of the southeast sector.

In the southeast sector these landscapes have been replaced by industry, or urbanization. The CP/HPS lands are the only foreseeable opportunity to shift this imbalance. Planning alternatives in the study should investigate urban configurations and increased densities that create opportunities for a large continuous open space with high ecological value.



Most of the large landscapes of San Francisco are concentrated in the western half of the City well beyond walking distance (generally accepted to be 1/4 mile) from the Bayview-Hunters Point neighborhoods. The community is further cut off by other barriers, such as freeways, lack of direct public transportation, and elevation. For example, a trip from the Bayview to the closest large open space, McLaren Park, requires an elevation gain of 400'.

Note: Distances shown are from point to point and do not reflect actual travel routes and distances, which would be significantly longer.

To provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

*California State Parks Mission Statement
CA DPR*

STATE PARK LANDS POSITION

In 1973 the State legislature set aside \$10 million to acquire CPSRA and in 1977 CPSRA was established as the first California state park unit in an urban area, bringing state park benefits to people who cannot travel to distant wilderness areas.

Over 200 community meetings were held in developing the General Plan for this new state park. From the very beginning the community made it clear that it wanted CPSRA to provide a natural experience in this urban environment, with hiking trails, picnic areas, community gardens, an amphitheater, a cultural and natural history center, group camping site, fishing piers, windsurfing amenities and wildlife habitat. All these were incorporated into the General Plan and a later Plan Amendment.

While only some of the goals of the General Plan have been implemented—for example, a very popular picnic area, a fishing pier, a community garden and some hiking trails—CPSRA was very successful from its beginning in supporting a surprisingly large number of wildlife species. Over 180 species of birds, reptiles, amphibians, butterflies and mammals have been documented using the park's wide variety of habitats from wetlands and sandy beaches to grasslands and coastal scrub.

The quality and configuration of the state parks' lands for upholding the state parks mission statement can be greatly improved by the CP/HPS project. New programs and facilities can be added, habitats can be created and restored, relationships with the development and adjacent park lands can be leveraged for the greatest mutual benefit.

40 ADDRESSING DEFICIENCIES OF THE LENNAR PROPOSAL

CPSRA's greatest asset is its large size with areas of significant distance between bayshore and urban development. It provides a healthy and thriving variety of wildlife habitats, as is demonstrated by the 180 wildlife species found in CPSRA, and a wealth of biodiversity. Its size is critical to the biodiversity mandate of the CA DPR mission and also allows for a wide array of recreation offerings within the urban context of San Francisco. This is one of a kind within the state parks system. However, failure to fully implement its Master Plan has left some of CPSRA relatively inaccessible for public access. CPSRA thus offers a great opportunity for habitat creation and improved public access and amenities such as a nature interpretive center envisioned in its Master Plan.

STATE PARK HABITAT OPPORTUNITIES, CONSTRAINTS, AND RECOMMENDATIONS

This diagram evaluates the existing configurations of Candlestick Point and provides recommendations for the integration of the state park open space with new urban development.

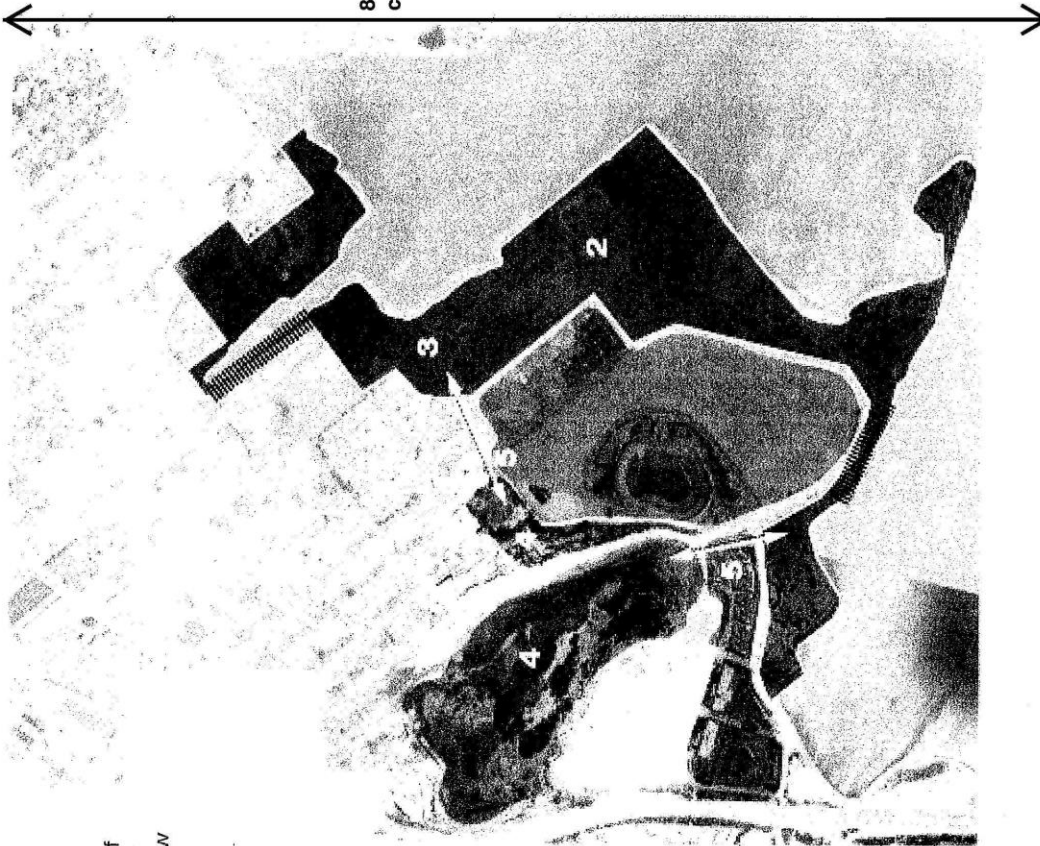
- ① **Narrow Corridors** Widen narrow corridors to support habitat, hydrological function, and recreational needs. Study required to determine appropriate width.
- ② **Large Patch** Existing large contiguous patch contributes to overall biodiversity potential and resilience.
- ③ **Potential Large Patch Size** Expand existing park land to capitalize on potentially large patch.
- ④ **Existing Open Space** Provide flora/fauna/pedestrian connection to Bayview Hill. Create connections with existing open spaces.
- ⑤ **Connectivity** Provide connection from CPSRA to existing open space.

CPSRA

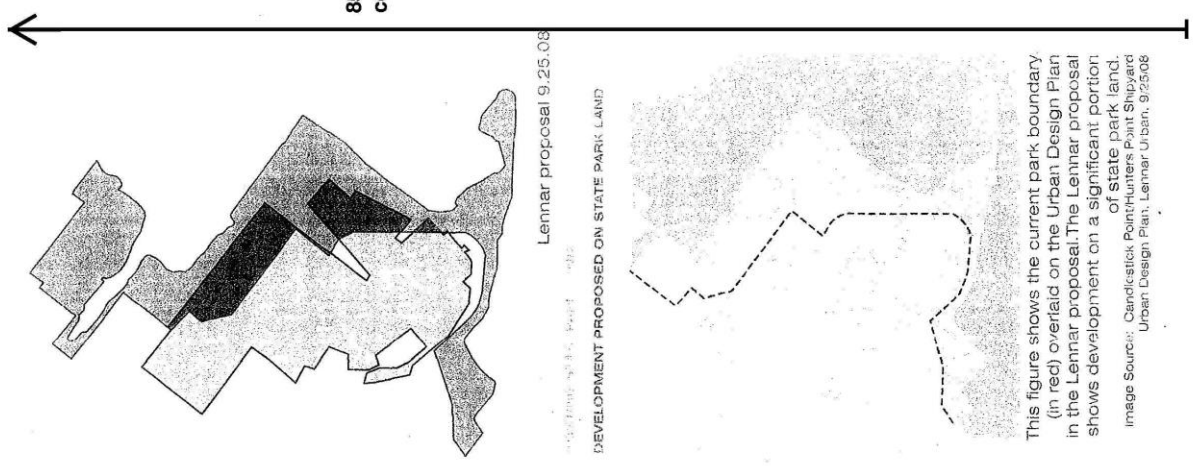
Existing Adjacent Open Space

Existing Developed Areas

Narrow Areas (<300')



85-28
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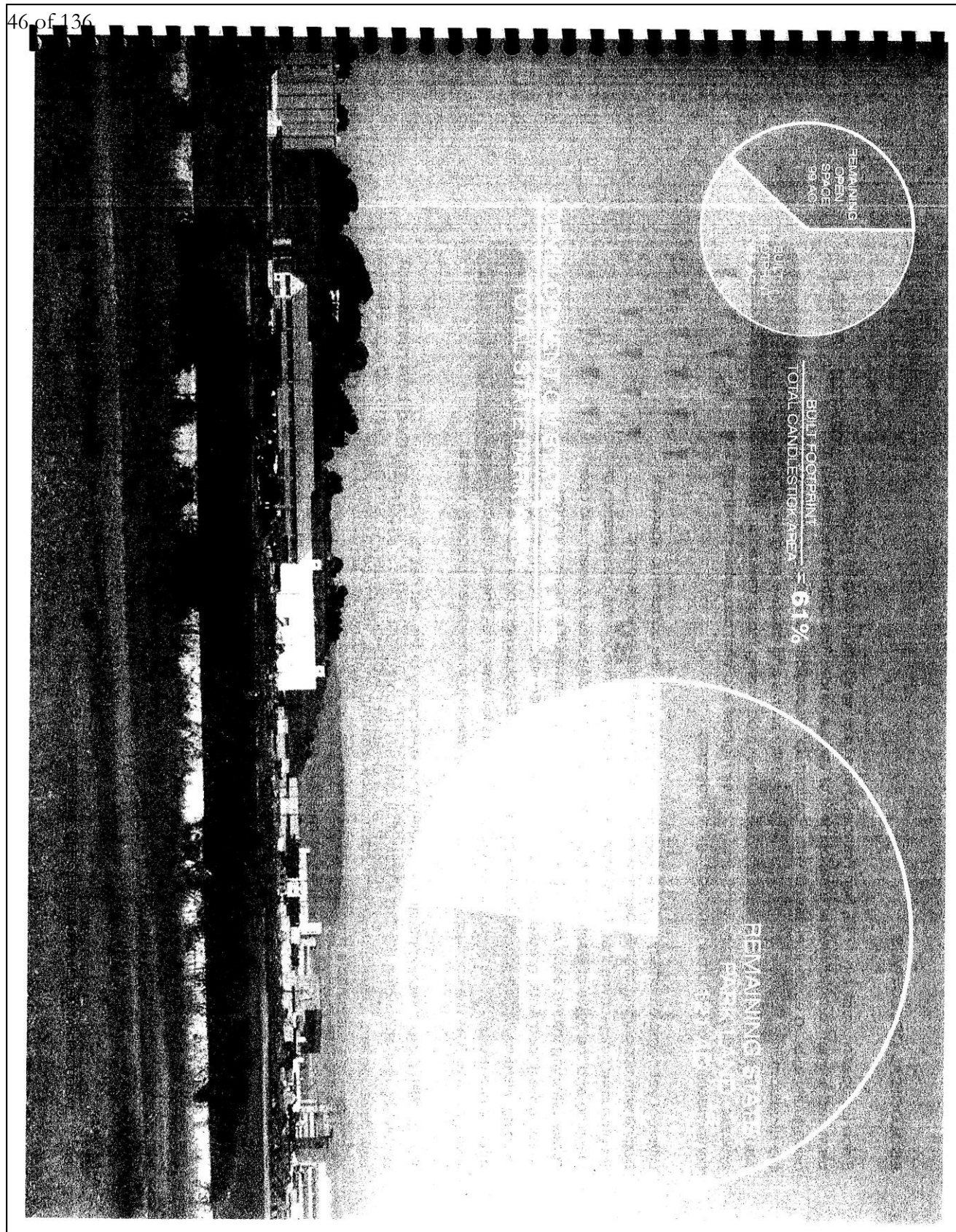


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cont'd.

Almost all of the Candlestick Point state park lands are on "man-made" land. They are the constructed result of the endeavors, waste, and earthquake remains of previous generations. As a construction (like a building, bridge, or monument), they are of unique cultural value to the city and the state as an artifact of a different era. This is both a resource to preserve and interpret through the mission statement mandates, as well as a reality about the kind of ecology that is possible and appropriate for such a place.

A range of plant communities and hydrologic conditions and the connectivity between them are key characteristics of biologically diverse places. Large-scale spaces are inherently necessary to maintain this diversity and the concept of habitat connectivity. While the state park lands at Candlestick Point possess the necessary cumulative scale that currently supports a wide array of wildlife species, their configuration has severe limitations. Narrow strips, hard water edges, poor soils, and poor connections to habitats outside its boundaries are all factors that limit the potential for increasing the biological diversity of the park. Planning and design that transcends boundaries can remedy those flaws while addressing the projected recreation needs that a state park can and should provide.

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ECOLOGICAL OBJECTIVES

Since European contact in 1775, San Francisco has been gradually losing its indigenous plant and animal communities to development of various kinds. The CS/HPS represents an opportunity to build ecological assets with “bottom up” ecological planning coordinated with the development. This approach does not replace the active and passive programs that also need to accompany urban densities. It is rather a balancing factor that adds rigor to the process, and aids in organizing land uses for their highest and best use, while creating a rich contemporary blend of urban and ecological programs.

Different yet complementary to the project sustainability plan, the bottom-up approach begins with conceiving of the open space as a “single park” with ecological and programmatic objectives that the development can support through the coordination of planning and the flows of waste, water, and energy. In this case, development and open space planning inform each other. Open space priorities can result in more compact development footprints, greater density, and innovation in construction sequencing as well as building systems, with features such as dual plumbing. Development priorities can influence open space programs such as the creation of wetlands for water treatment, irrigation, and storage, as well as the configuration of open space, resulting in increased property values.

The CP/HPS project represents an opportunity to create many of the lost habitat types, protecting and enhancing the City’s biological diversity, in coordination with a sustainable new development. Development and open space planning should inform each other, jointly addressing the sustainable management of resources, water and energy.

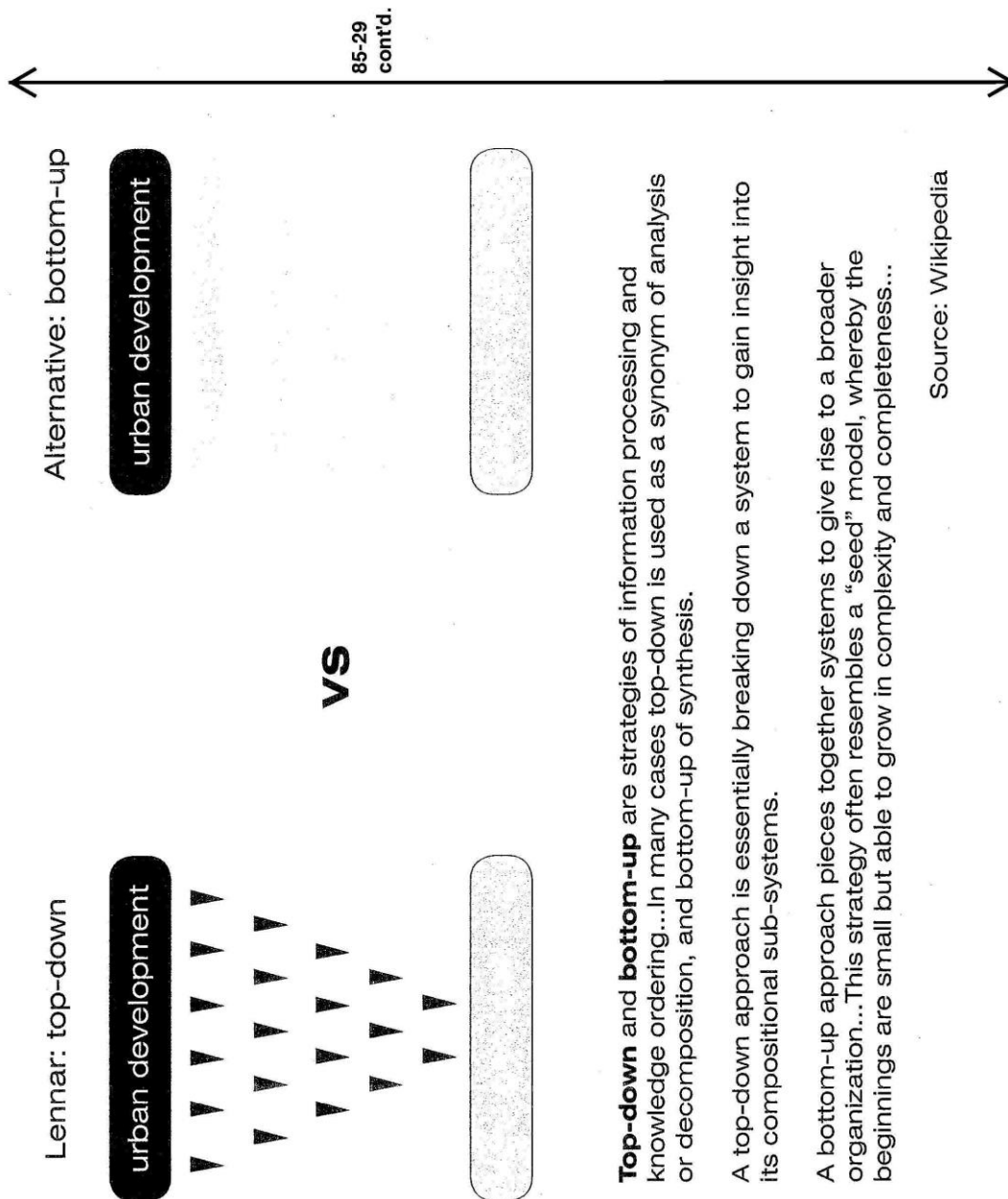
The following ecological objectives have been identified and are discussed in further detail in this section:

- leverage existing assets
- overcome ecological limitations
- create conditions for biodiversity
- intergrade flows of resources, water, and energy with open space systems
- coordinated park program
- change over time and dynamics.

44 ADDRESSING DEFICIENCIES OF THE LENNAR PROPOSAL

85-29

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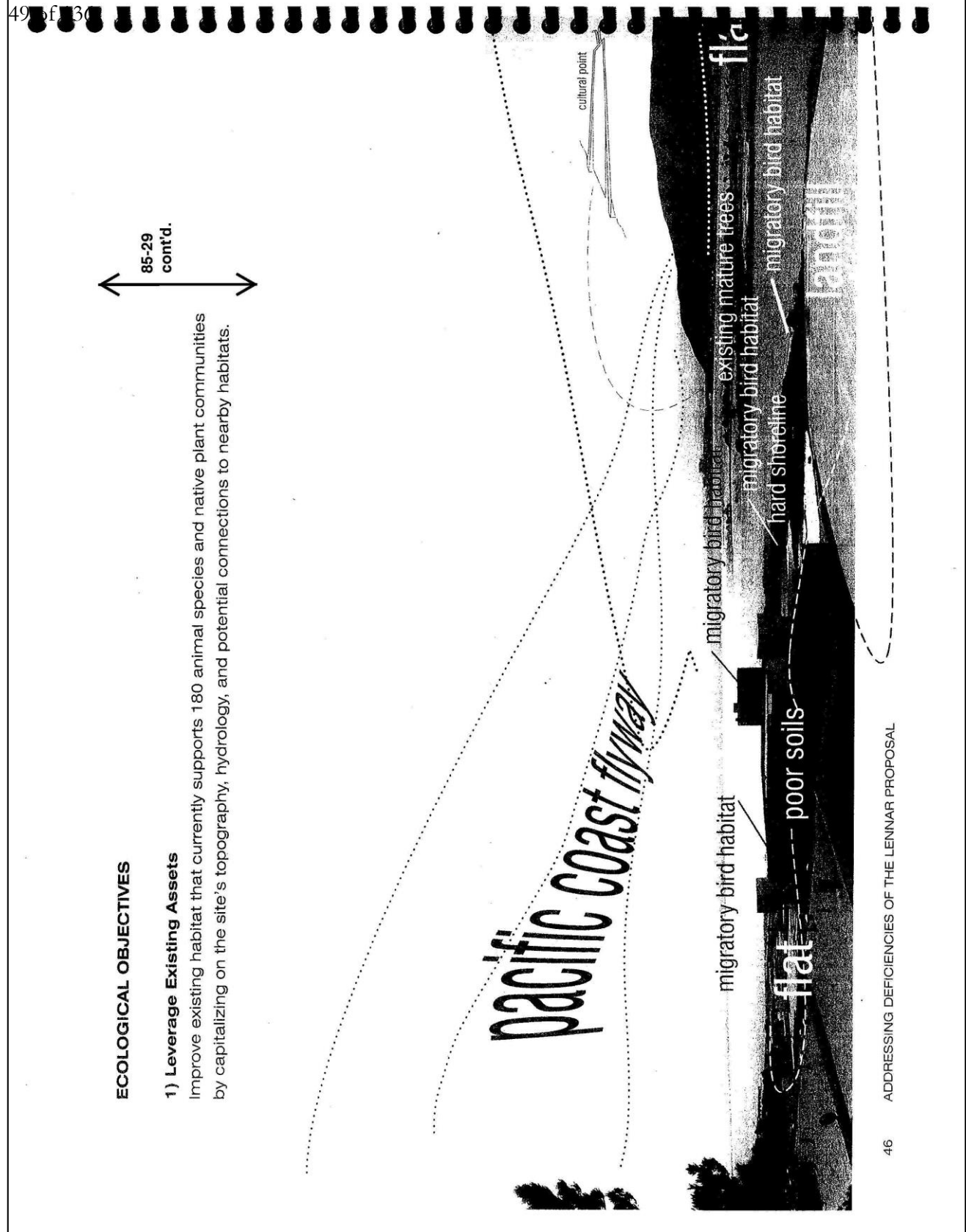


Top-down and **bottom-up** are strategies of information processing and knowledge ordering...In many cases top-down is used as a synonym of analysis or decomposition, and bottom-up of synthesis.

A top-down approach is essentially breaking down a system to gain insight into its compositional sub-systems.

A bottom-up approach pieces together systems to give rise to a broader organization...This strategy often resembles a "seed" model, whereby the beginnings are small but able to grow in complexity and completeness...

Source: Wikipedia



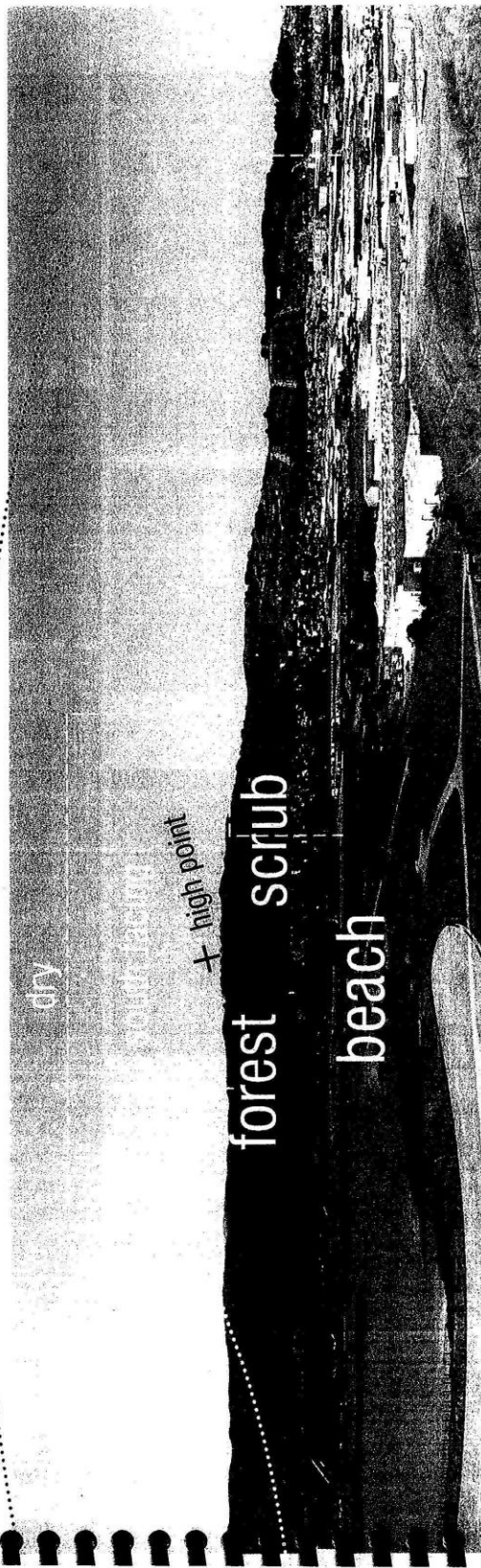
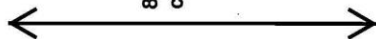
2) Overcome Ecological Limitations

The post-industrial conditions of the CP/HPS site present challenges to establishing productive ecological conditions. Limitations can be overcome through resourceful design, technology, landscape processes, and landscape succession strategies.

Example limitations—hardened shoreline, poor soils, fragmented habitats, non-native soils, limited resident fauna

Example agents for transformation—constructed wetlands, industrial composting, demolition, introduction of native flora/fauna species, maintenance regimes for landscapes

85-29
cont'd.



View from Parcel A, looking south to Candlestick Point

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3) Create Conditions for Biodiversity

Creating a biologically diverse mix of aquatic and terrestrial species requires flows and movement of species in continuous habitats with a range of hydrologic and flora conditions. The open space of the CP/HPS will require creating the following relationships:

Connect habitat patches—Remove barriers, create corridors, enhance existing corridors.

Create a range of plant communities—Create or enhance the plant communities of San Francisco based on soil, elevation, and hydrologic conditions.

Create a range of hydrological conditions—Use natural and constructed water sources to create a range of hydrological conditions and support new ecologies.

Target habitats for species of concern—San Francisco is home to many species threatened by loss of habitat. Prioritize the creation of habitats and corridors for species of concern and their reintroduction.

85-29
cont'd.



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Plant and wildlife species of San Francisco
Most of these species are already found at CPSRA. Enhancing and creating a diversity of
habitats at CP/HPS will increase the biodiversity of the state park and open space system.
Source: Nature in the City

ADDRESSING DEFICIENCIES OF THE LENNAR PROPOSAL 49

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4) Integrate Flows of Resources, Water, and Energy with Open Space Systems

The open space will require inputs of energy, water, and nutrients for its establishment and long-term function. With early planning and guidelines for development, the buildings, streets, and infrastructure can provide these inputs creating a synthetic and sustainable relationship with the active, passive, and habitat systems of the open space.

Examples—Dual plumbing in buildings to generate consistent irrigation water resources, treatment wetlands for black water, irrigation storage ponds for recycled water, surplus solar energy for water movement and park energy needs, compost of wetland plants and household waste for soil building operations.

85-29
cont'd.



Solar panels integrated with irrigation storage

Constructed treatment wetland

Industrial composting

5) Coordinated Park Program

Engage the urban and recreation programs that are essential to a successful and healthy city with the wild landscapes and their natural processes. Create and coordinate a diverse and contemporary blend of ecological, recreation, and cultural uses that builds health, knowledge, pride, and stewardship.



6) Change over Time and Dynamics

“Grow the park”- Building ecologies takes time. Begin the biodiversity and transformation objectives early: connect patches, build soils, plant trees, establish hydrological conditions. Executing low-cost/ long-timeline steps early will set ecological processes in motion as the park offers immediate change to the community, builds stewardship, and adds value to the development before it comes on line.

The open space should be enabled with design, technology, and programming that engage the dynamics of large-scale landscapes, such as wind, rain, tides, movement of species, seasonality, temperature. Dynamic processes allow landscapes to evolve, and be more self regulating, productive, and healthy.

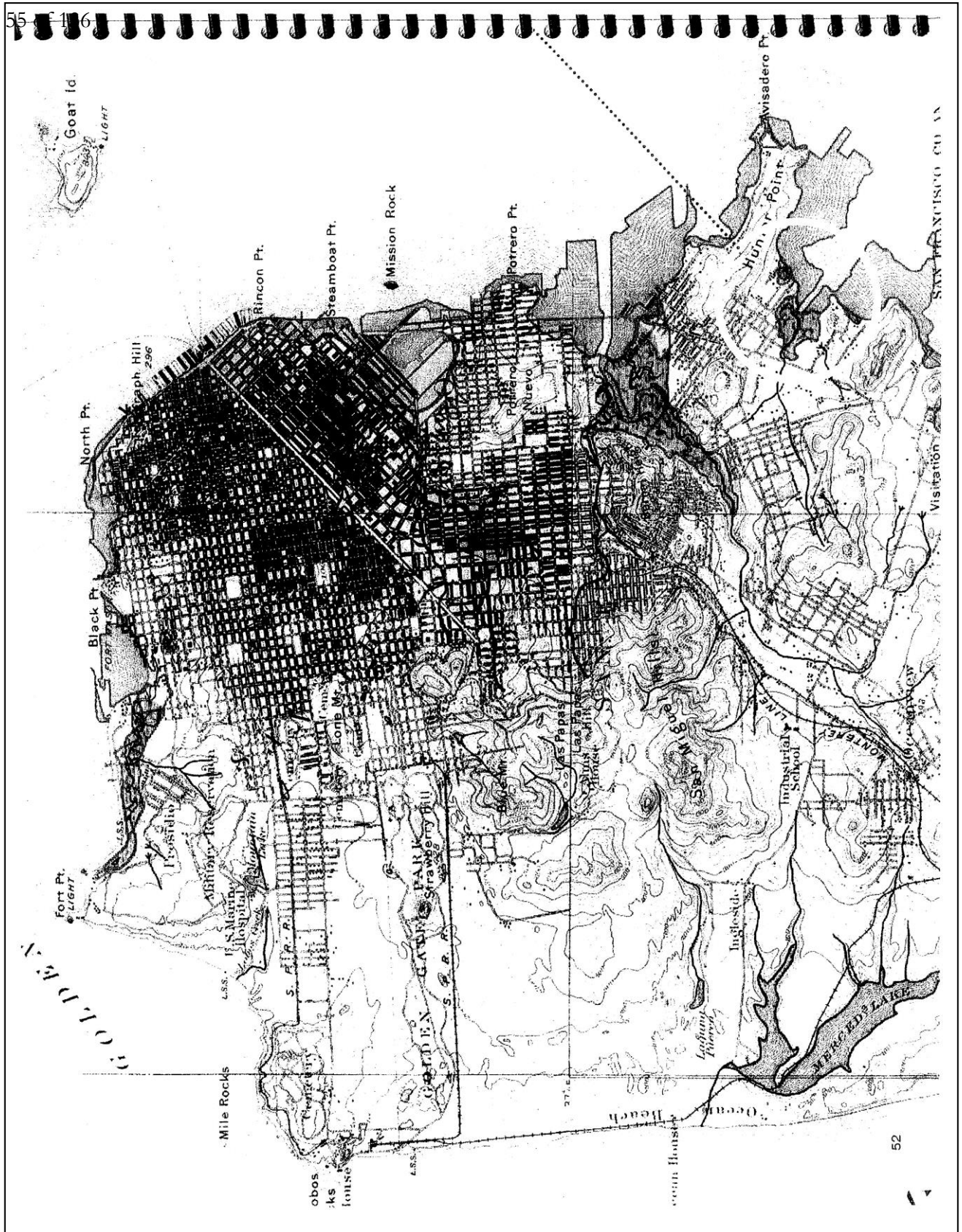
85-29
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Golden Gate Park, 1894



Golden Gate Park today



YOSEMITE SLOUGH AND CREEK POSITION AND PLANNING

Yosemite Creek was a natural waterway that no longer exists as a creek. As with most of San Francisco's creeks, it was buried in a culvert years ago, and incorporated into the City's combined sewage and storm water runoff collection system. The creek's headwaters were found in what is now McLaren Park, where a few small water features still evoke its memory. It flowed through what is now the Portola District and into a rich tidal marsh system at about where Third Street lies. The mouth of the creek was near where Yosemite and Wallace Avenues meet Ingalls Street today. Bayward of the historic creek mouth is a tidal inlet (formed by the filling in of much of South Basin around it) commonly called Yosemite Slough. Although "the slough" is sometimes called Yosemite Creek, there never in fact was a creek in that location.

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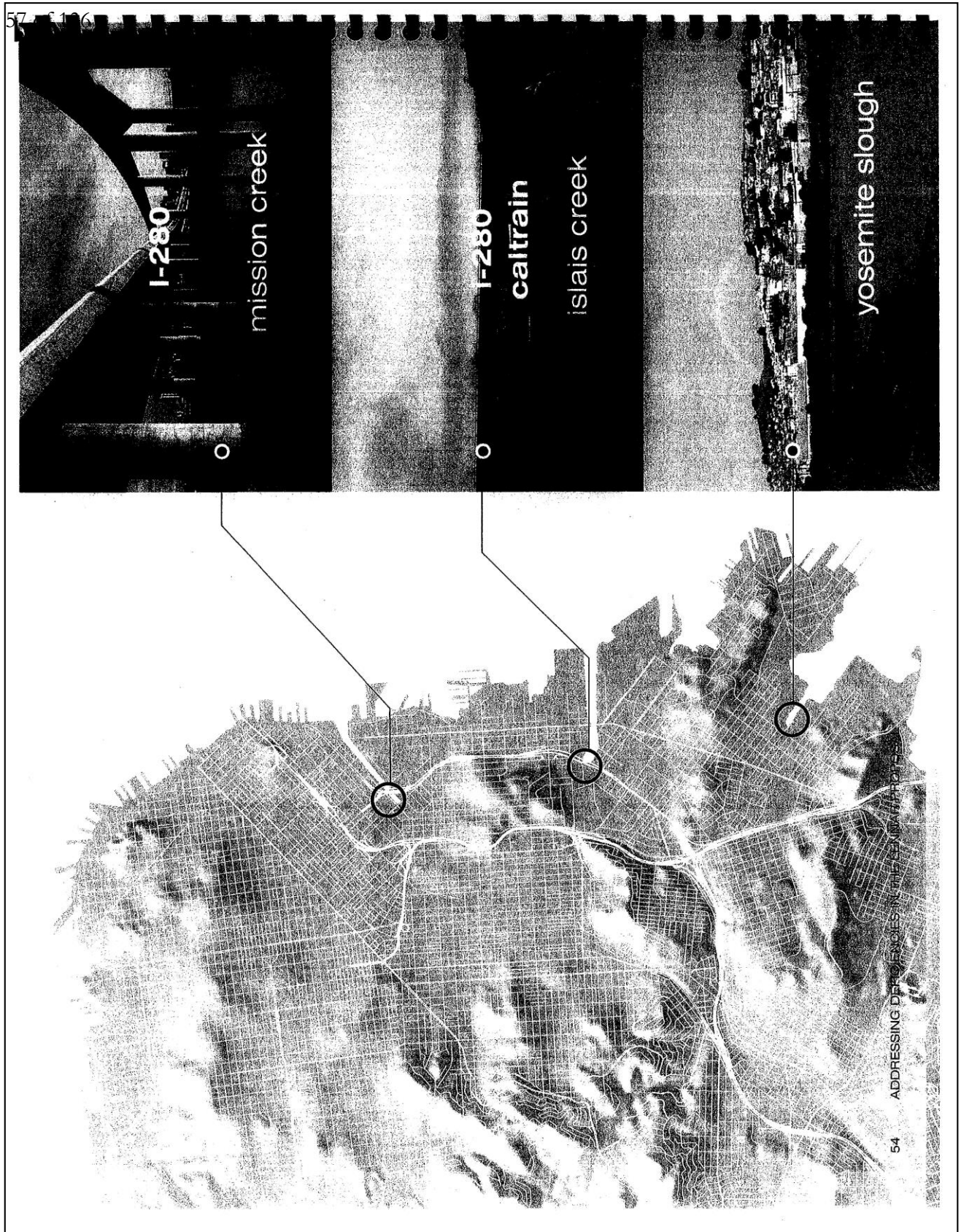
Yosemite Creek is gone, but not forgotten. It is part of the natural and cultural heritage of the area, and it still defines a significant watershed, an important part of the CP/HPS project's context. Although it is not with in the project boundaries, the scale of the CP/HPS project warrants a larger planning study of the surrounding area that includes expanding the Yosemite Slough as an open space and creating connections to Third Street and its MUNI stops. It is a project that should happen in time, if not concurrently with the CP/HPS project.

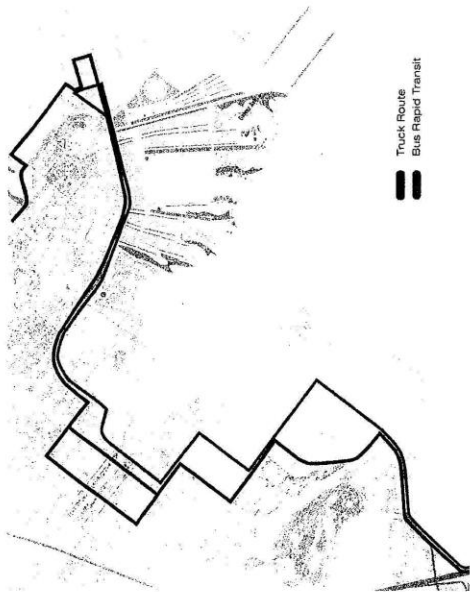
Planning for expanding the Slough as an open space should study both natural and infrastructural water systems. Alternatives could incorporate the creek's historic tidal and riparian wetlands, opportunities to restore some of the creek's historic freshwater flows, and the improvement of urban storm water systems that deliver water to the bay. These options should be explored and introduced into the public's imagination for consideration, inspiration, and research. In the meantime, it is urgent that we protect Yosemite Slough and its environs.

- Bay Fill
- Historic Creek
- Historic Wetlands

San Francisco historic watershed map

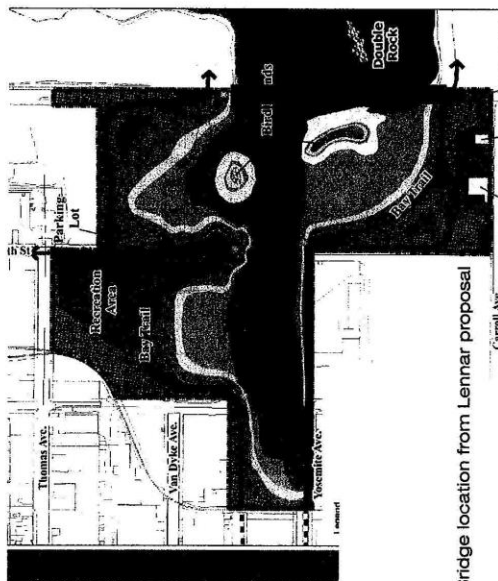
ADDRESSING DEFICIENCIES OF THE LENNAR PROPOSAL 53





== Truck Route
 == Bus Rapid Transit

Alternative Transportation Diagram
 Refer to pages 78-99 for alternatives that demonstrate connections to key elements of plans.



Bridge location from Lennar proposal

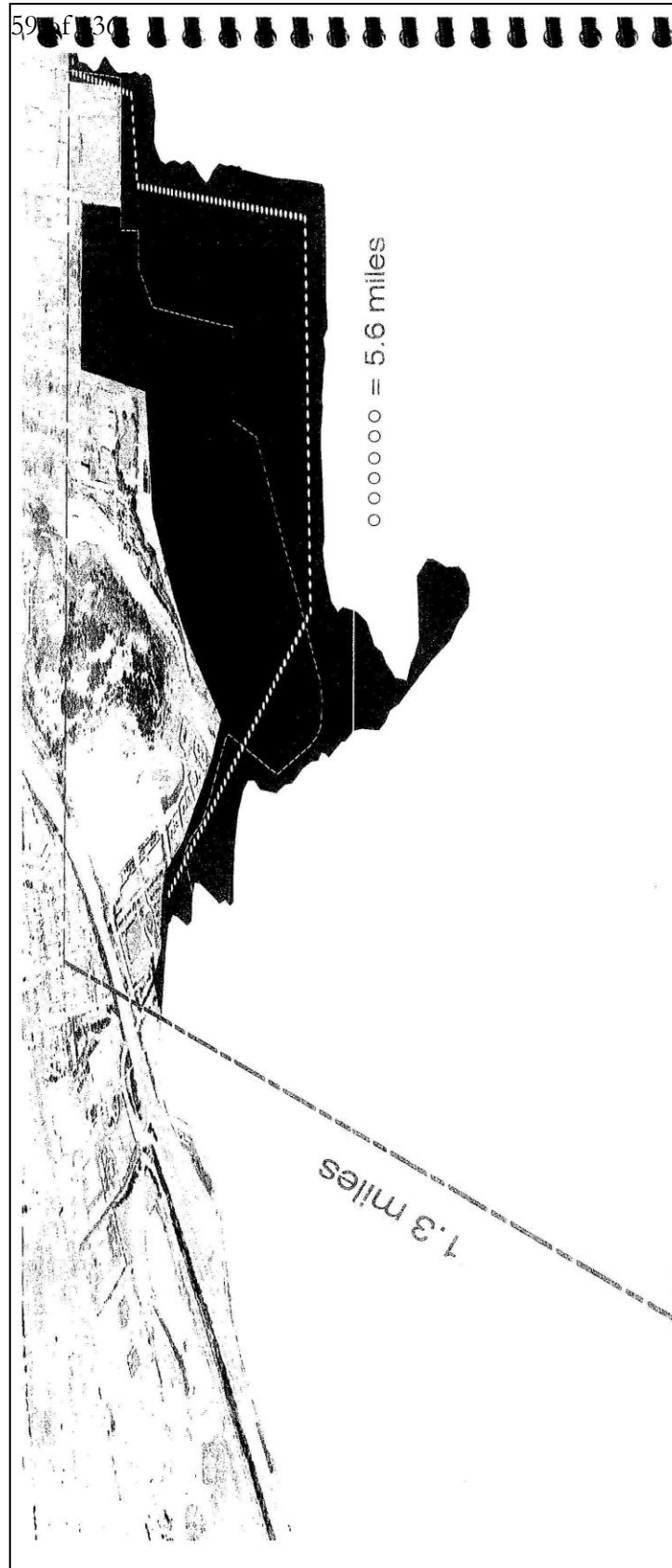
Yosemite Slough Restoration Plan with Lennar Proposed Bridge Location
 Sources: Yosemite Slough Restoration Project, WRA, Candlestick Point/Hunters Point Shipyard Urban Design Plan, Lennar Urban, 9/25/08.

Opposite: Yosemite Slough in the context of the city's eastern waterfront

Like Yosemite Creek, the city's two other major east-flowing creeks have been buried in culverts, and they too are memorialized by tidal inlets that extend from the locations of their namesakes' historic creek mouths to today's Bay shoreline. Mission Creek Channel, also called China Basin Channel, is crossed by the Third and Fourth Street drawbridges as well as three I-280 ramps. It is surrounded by the dense development of Mission Bay. The Islais Creek channel is crossed by the Third Street and Illinois bridges and is surrounded by wrecking yards, a transit yard, and various maritime and industrial facilities.

85-29
 cont'd.

In the context of the city's eastern waterfront Yosemite Slough is unique. It is the only one of the three inlets that is not constricted by major transportation infrastructure. It is surrounded by state park lands and is less developed. It has better water quality and a more naturalistic shoreline. These factors set it apart for its potential for ecological restoration and environmental education. Locating development close to the water's edge and/or constructing a bridge over the slough, as recommended by Lennar, would waste a one-time opportunity to capitalize on this significant biological resource and asset to the community and city.



ALTERNATIVE PLANNING APPROACH

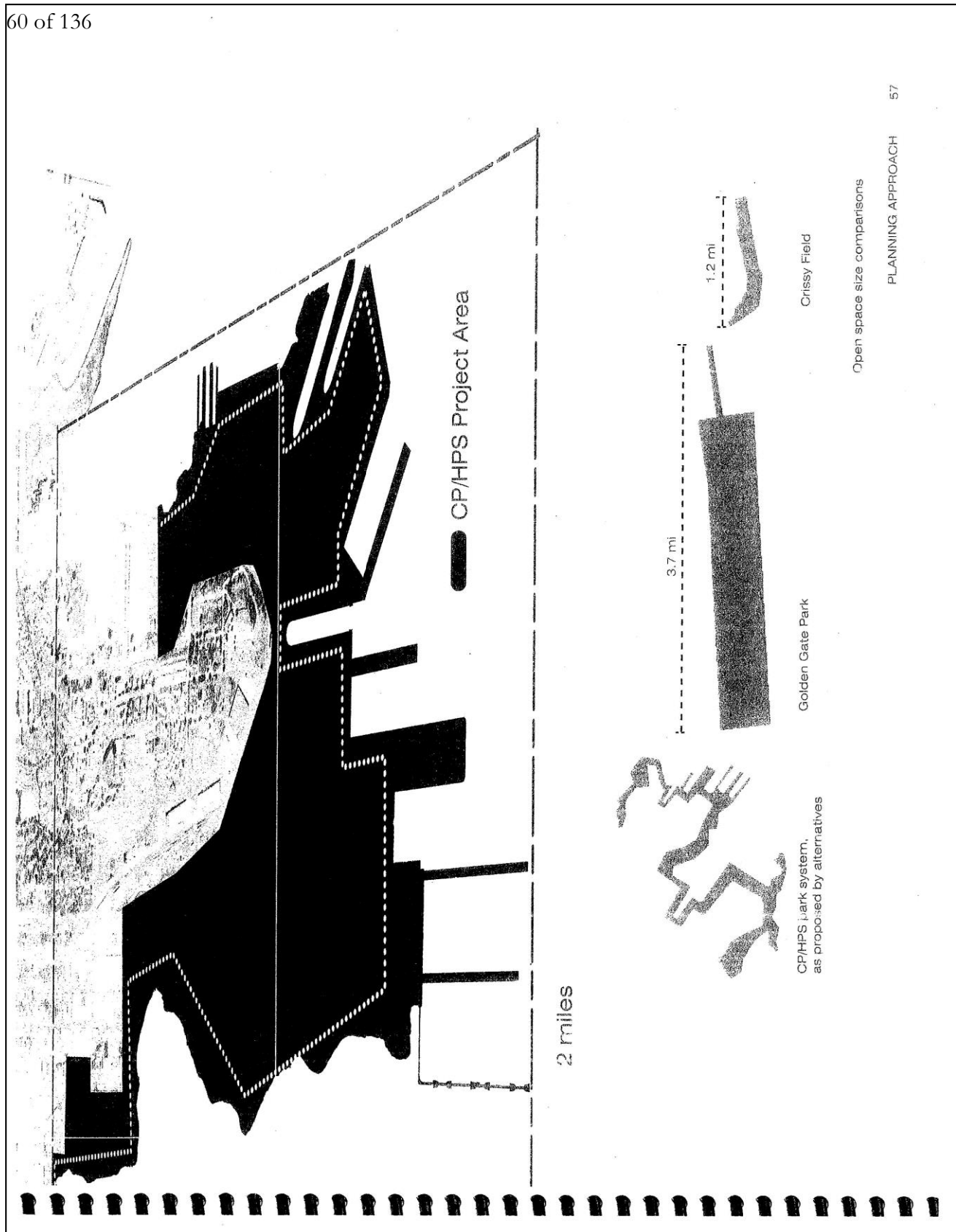
Due to its size, location, and environmental conditions, development of the CP/HPS site will transform Bayview-Hunters Point, San Francisco, and the Bay Area as a place to live, do business, pursue recreation and entertainment, and nurture culture. It will also alter the natural environment.

To reach the full potential of the opportunities redevelopment of this site will create, as well as to avoid problems, plans must rest on a firm foundation of ecological knowledge, goals, and priorities. Planning that begins with an understanding and respect for the site and its context will capture the opportunities and avoid unintended consequences far more effectively than a process that considers site and context after critical land use decisions have already been made. A project designed from the start to fit the site conditions is also better able to adapt to changes that will inevitably occur as the project matures.

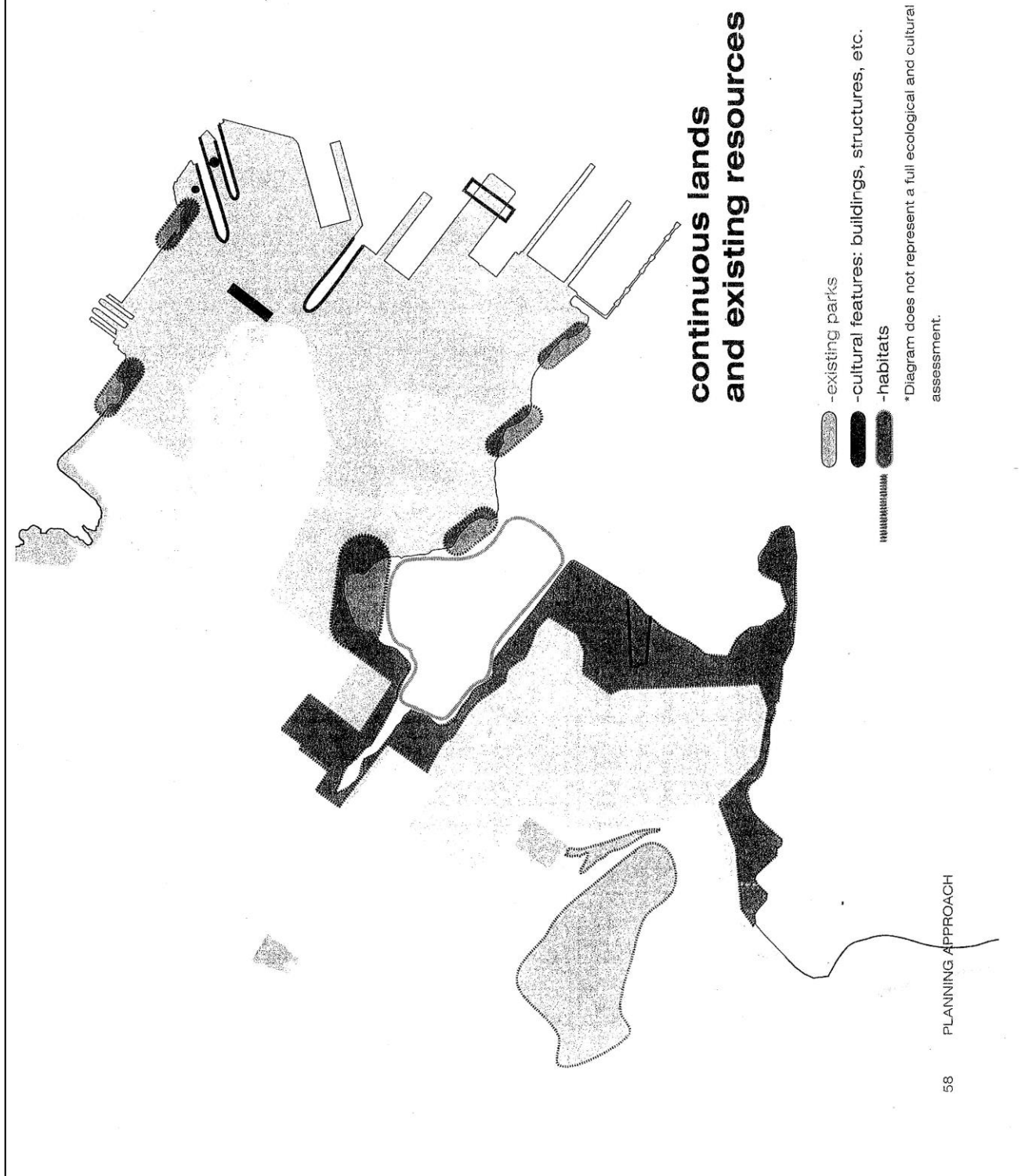
The diagrams that follow depict flexible and strategic planning approach that responds to the tremendous opportunities and potential impacts that the CP/HPS site presents in the next section. The land use scenarios suggested by this approach can ensure that development of the site will fulfill ecological purpose and responsibility to the greater metropolis over the long life-time of the project.

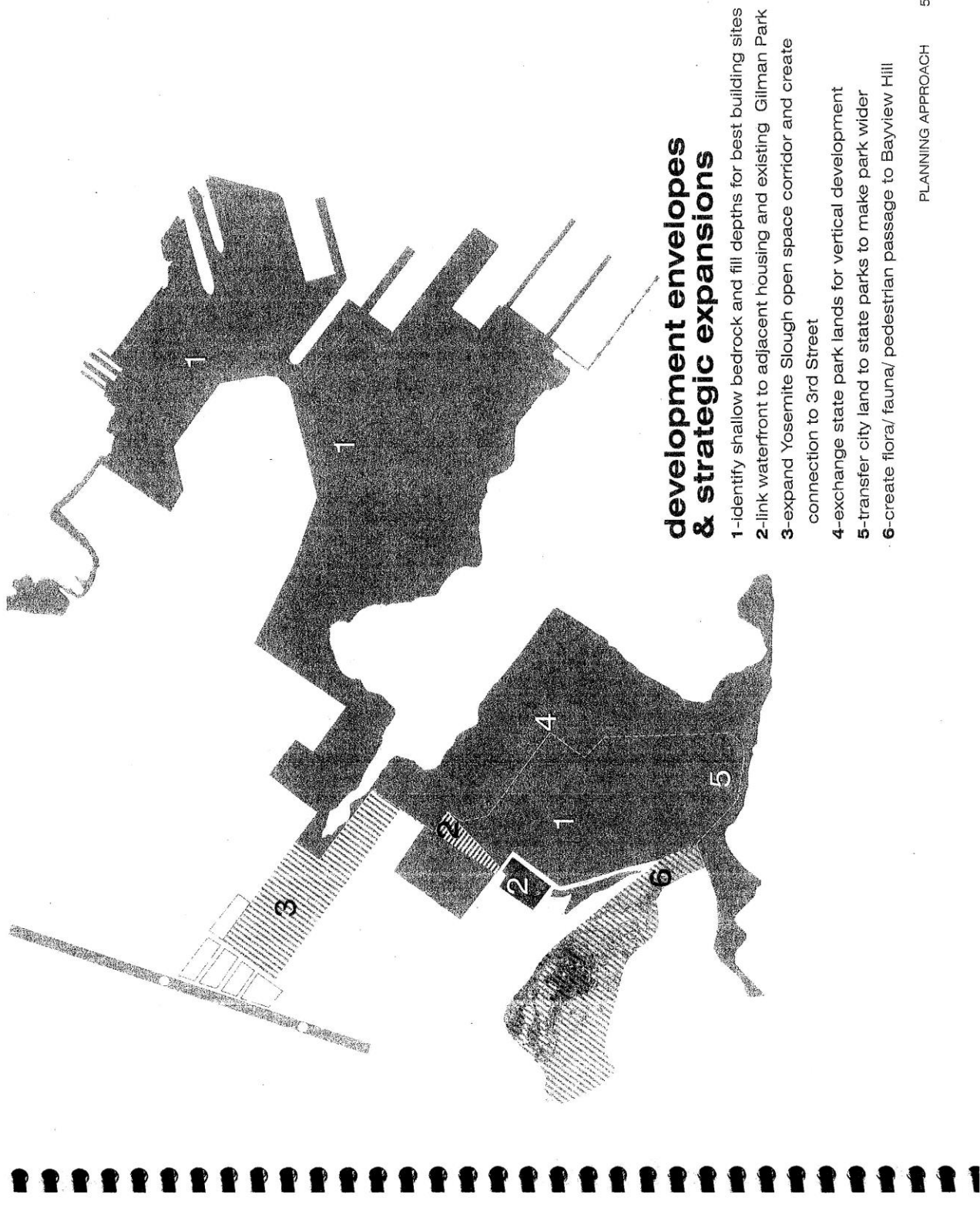
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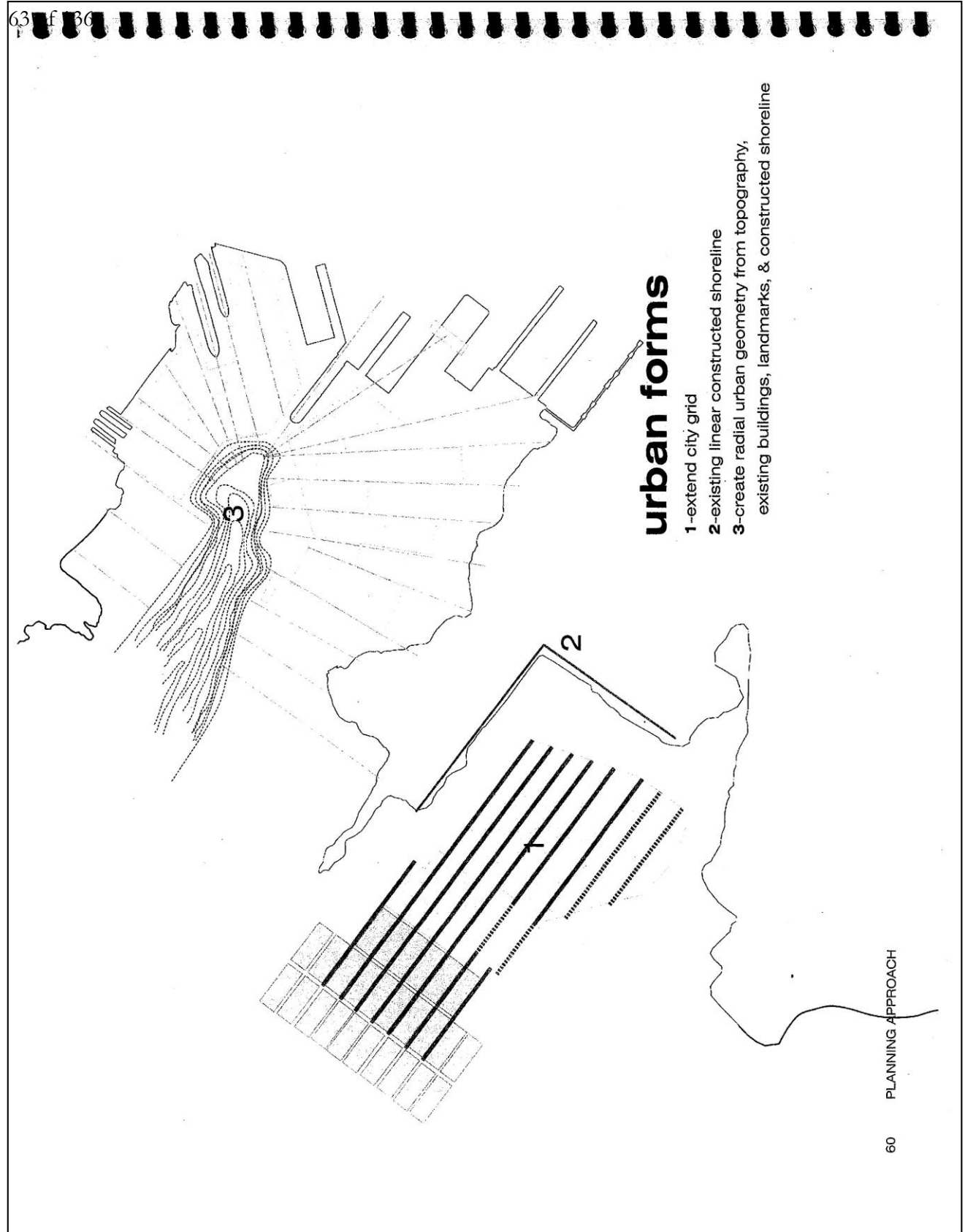
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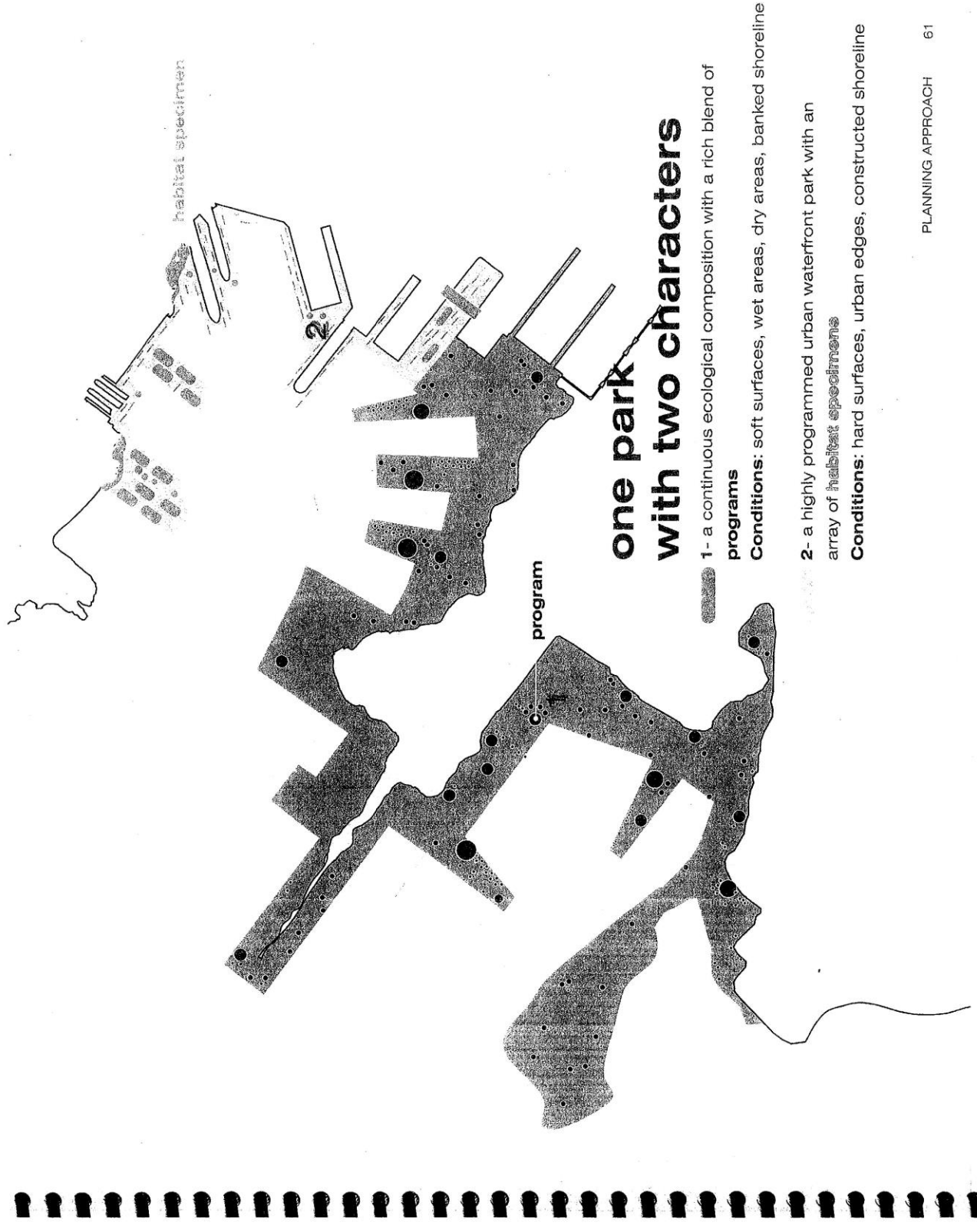
61 of 136



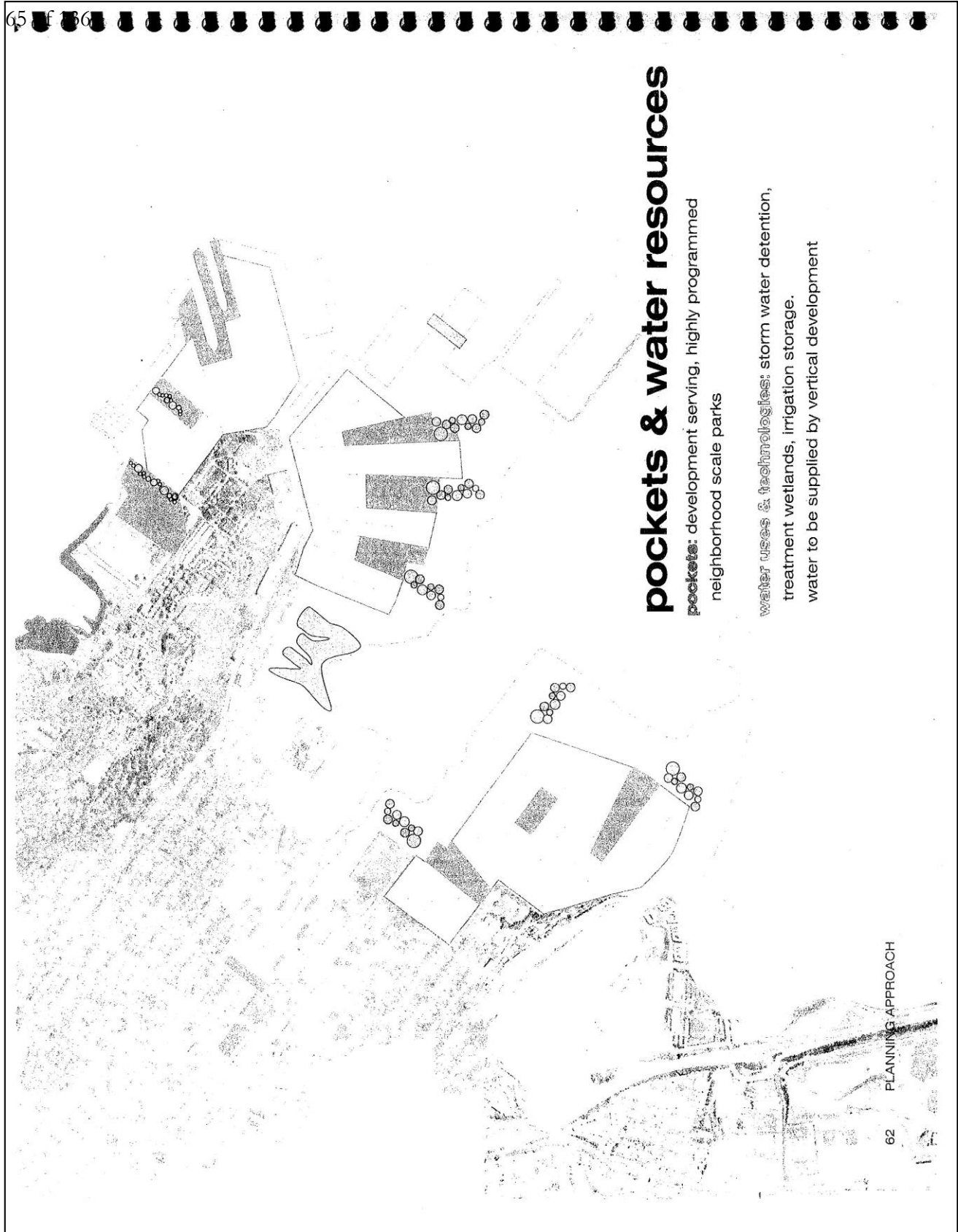




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links and loops

links: +/- 1 mile long pedestrian/bike trail sections for efficient movement

loops: secondary pedestrian/bike circulation for access to features and programs

PLANNING APPROACH 63

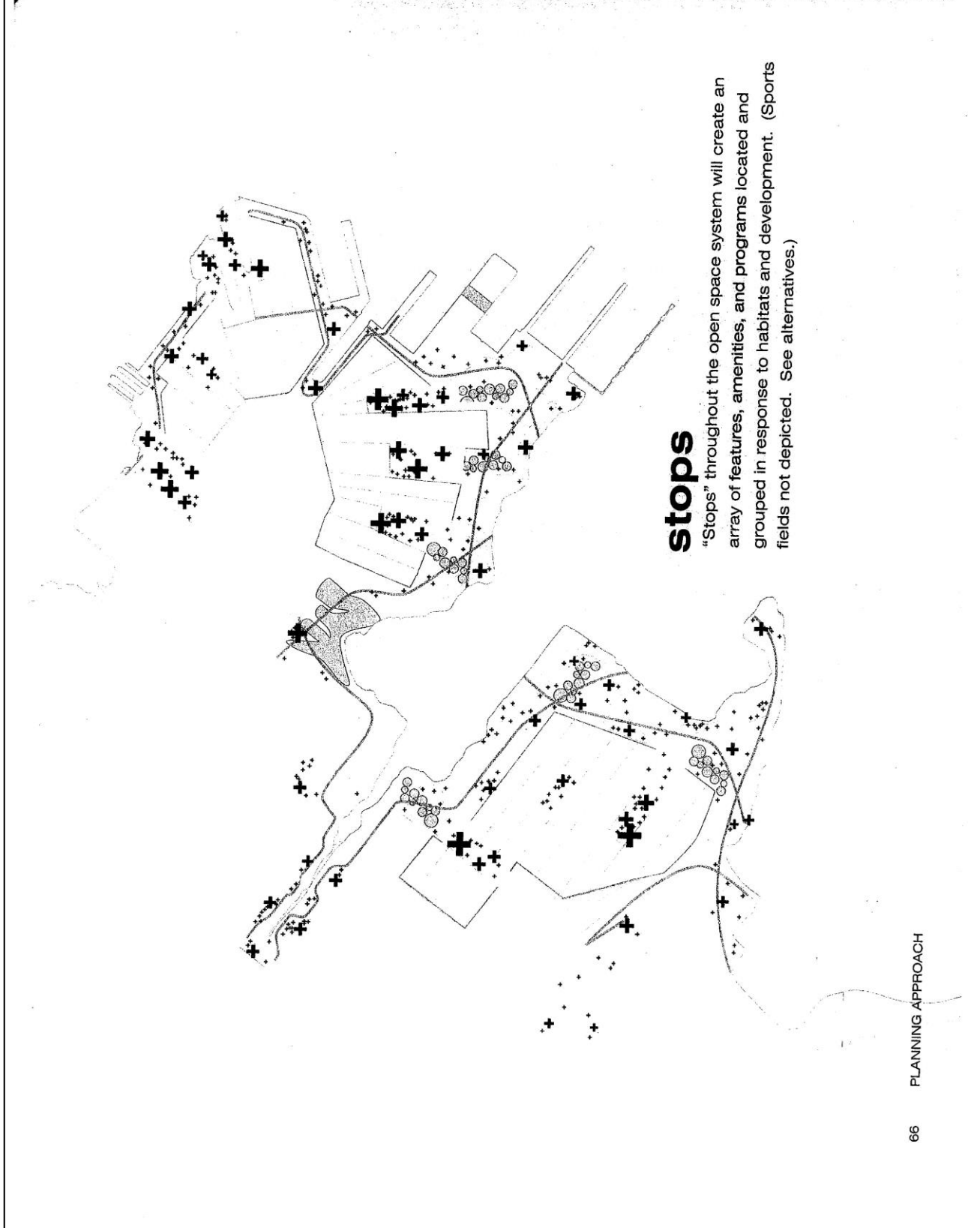


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9 of T36



stops

"Stops" throughout the open space system will create an array of features, amenities, and programs located and grouped in response to habitats and development. (Sports fields not depicted. See alternatives.)

play
play grounds, sports courts, game tables, dog runs

learn
monitoring, testing, experiments, restoration, environmental technologies, nurseries, test plots

eat
stands, kiosks, picnics, groups, cafés, restaurants, markets

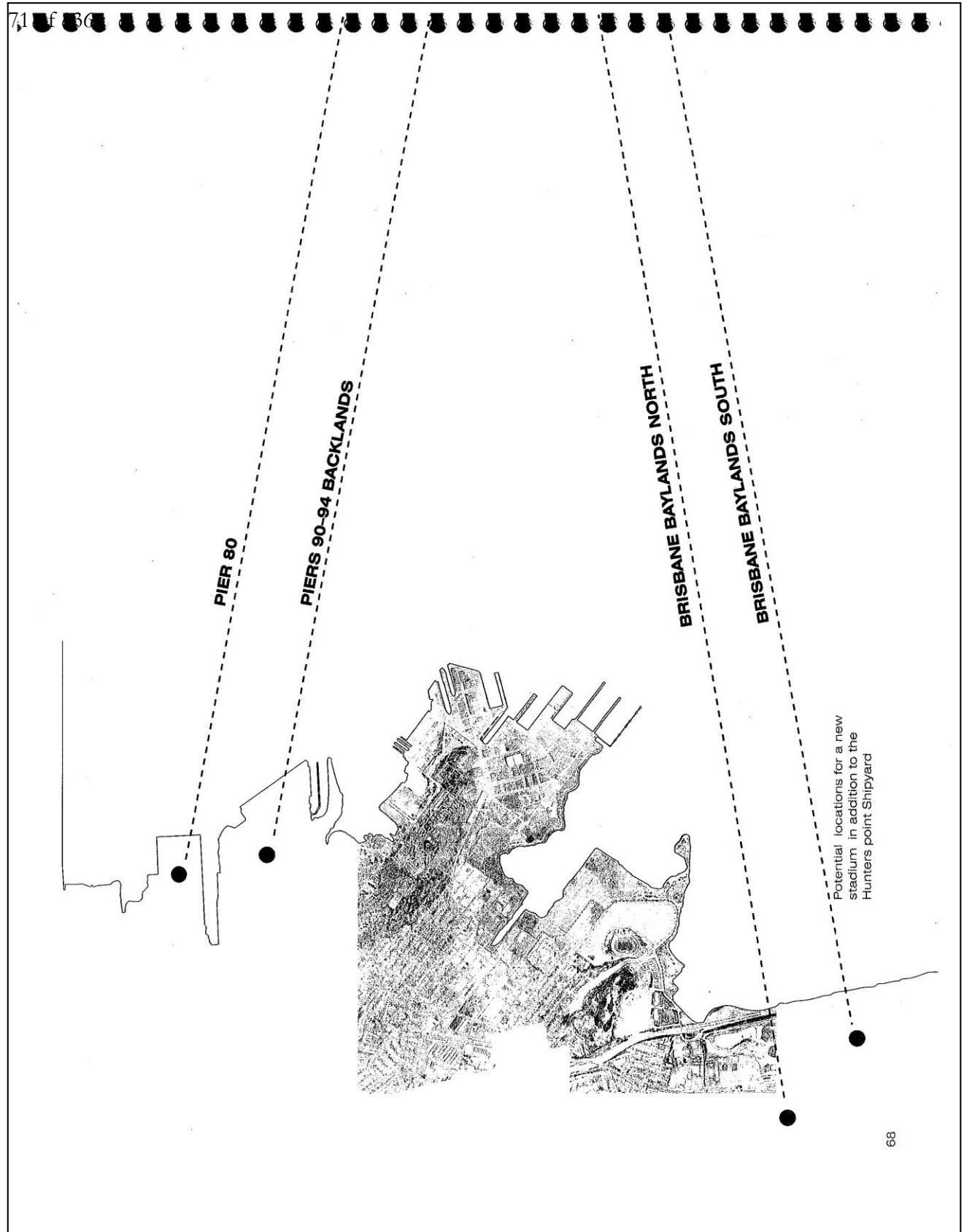
amenities
seating, games, benches, fire pits, rentals, shade structures, drinking fountains

culture
festival, memorial, historic, music, regional gatherings, local groups

art
large-scale, environmental, dynamic, media, local, international, integrated

gardens
community, native, food, stewardship, public

services
park programming, restrooms, information, police, first aid, bike repair, community center



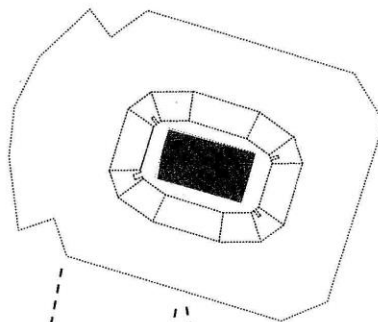
STADIUM LOCATION ALTERNATIVES OFF THE SHIPYARD

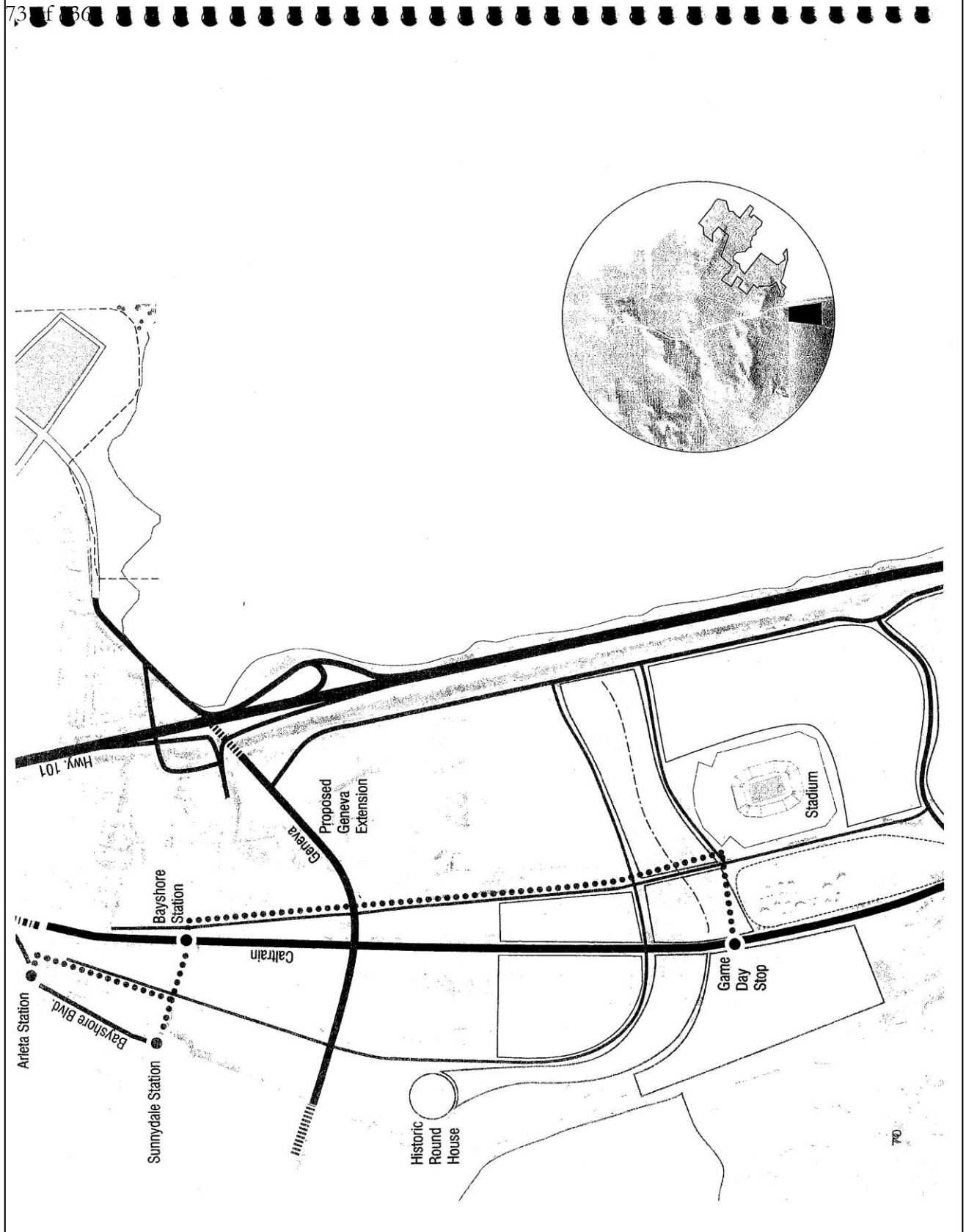
Without a stadium on the project site, the redevelopment of CP/HPS has far greater potential to meet the economic and social needs of the community. All four of these options would create minimal traffic impacts to existing and proposed residential neighborhoods:

85-31

- 1. Brisbane Baylands South:** a large site with access to Highway 101, with the potential for a convenient game-day Caltrain stop;
- 2. Brisbane Baylands North:** a large site with easy access to Highway 101, close to the Sunnydale T-Third stop and the existing Bayshore Caltrain station, with the potential for an adjacent game-day stop;
- 3. Pier 90-94 Backlands:** owned by the Port of San Francisco, approximately a mile from I-280 access, 10-minute walk to Marin Street light rail stop; and
- 4. Pier 80:** owned by the Port of San Francisco, approximately 1/2 mile from I-280 access, 7.5-minute walk to Marin Street light rail stop, short walk or train ride on T-Third from the 22nd Street Caltrain station.

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ALTERNATIVE STADIUM LOCATION #1
brisbane baylands south

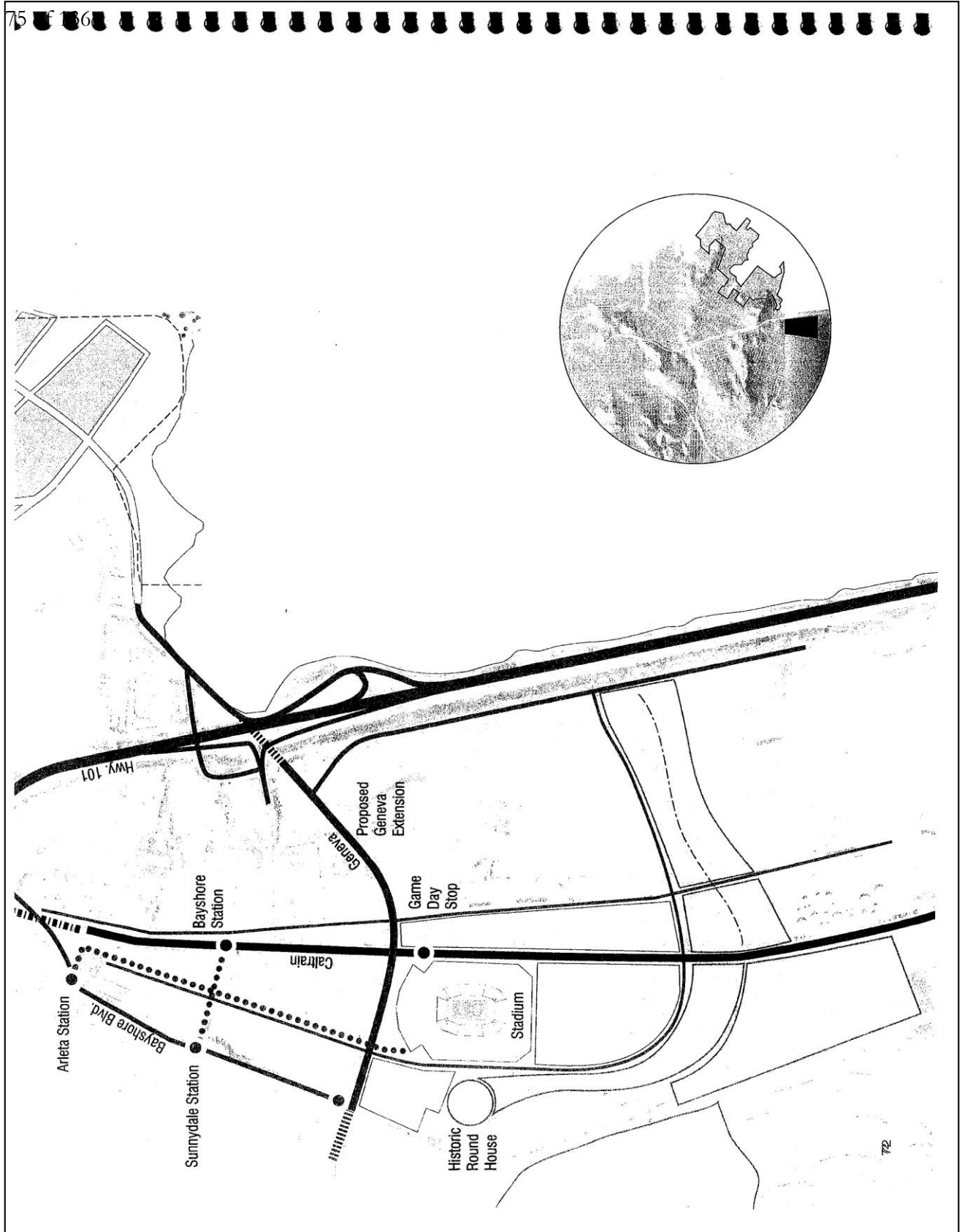
benefits

- large site with existing freeway access
- highly visible from highway 101
- caltrain game day stop could let out at stadium
- minimal traffic impact to residential neighborhoods
- could be planned with adjacent developments



STADIUM LOCATIONS OFF THE SHIPYARD 71



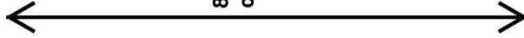


ALTERNATIVE STADIUM LOCATION #2
brisbane baylands north

benefits

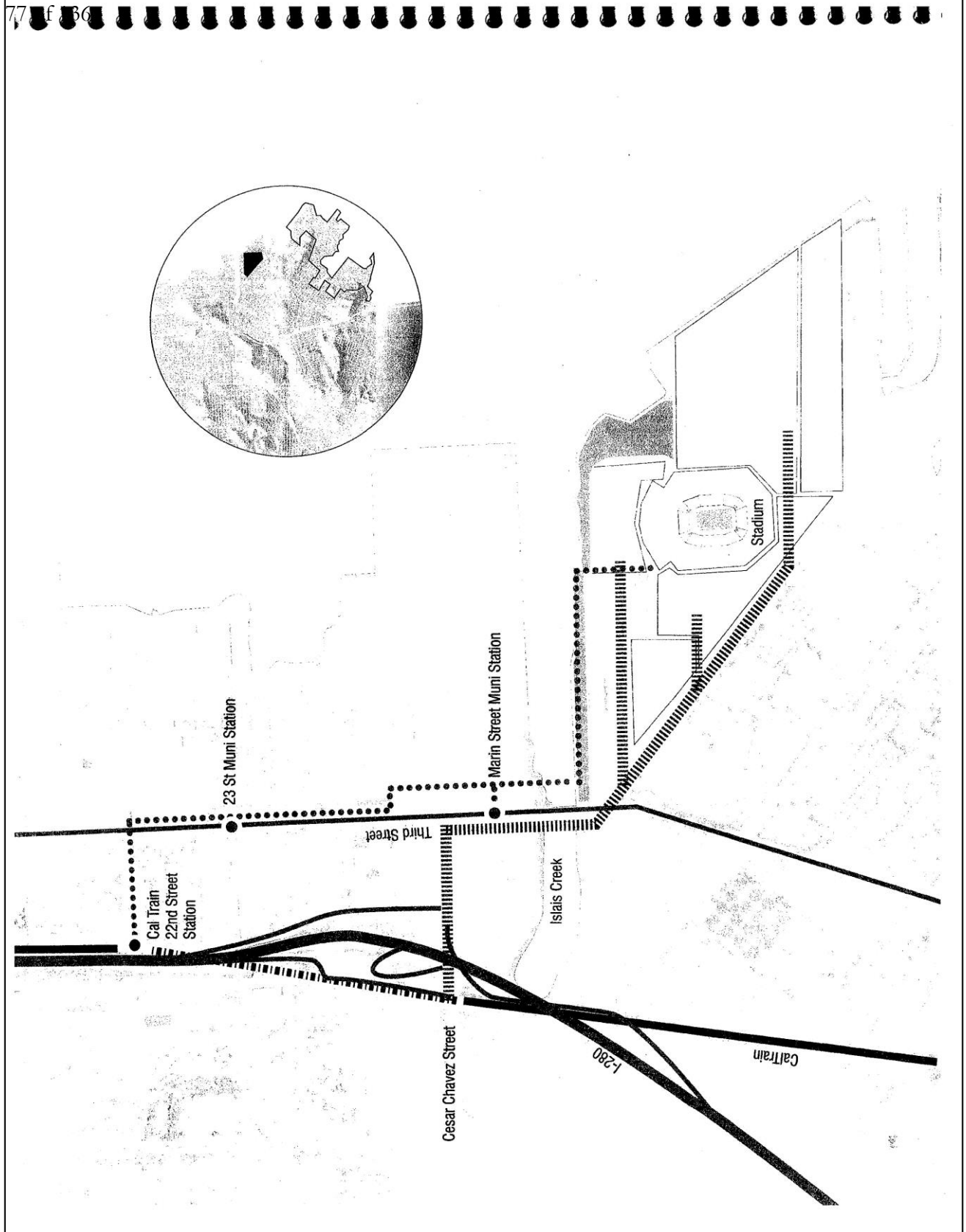
- large site with existing freeway access
- highly visible from highway 101
- caltrain game day stop could let out at stadium
- minimal traffic impact to residential neighborhoods
- could be planned with adjacent developments

85-31
cont'd.



STADIUM LOCATIONS OFF THE SHIPYARD 73



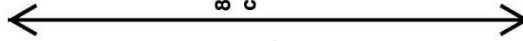


ALTERNATIVE STADIUM LOCATION #3
the backlands: piers 90-94

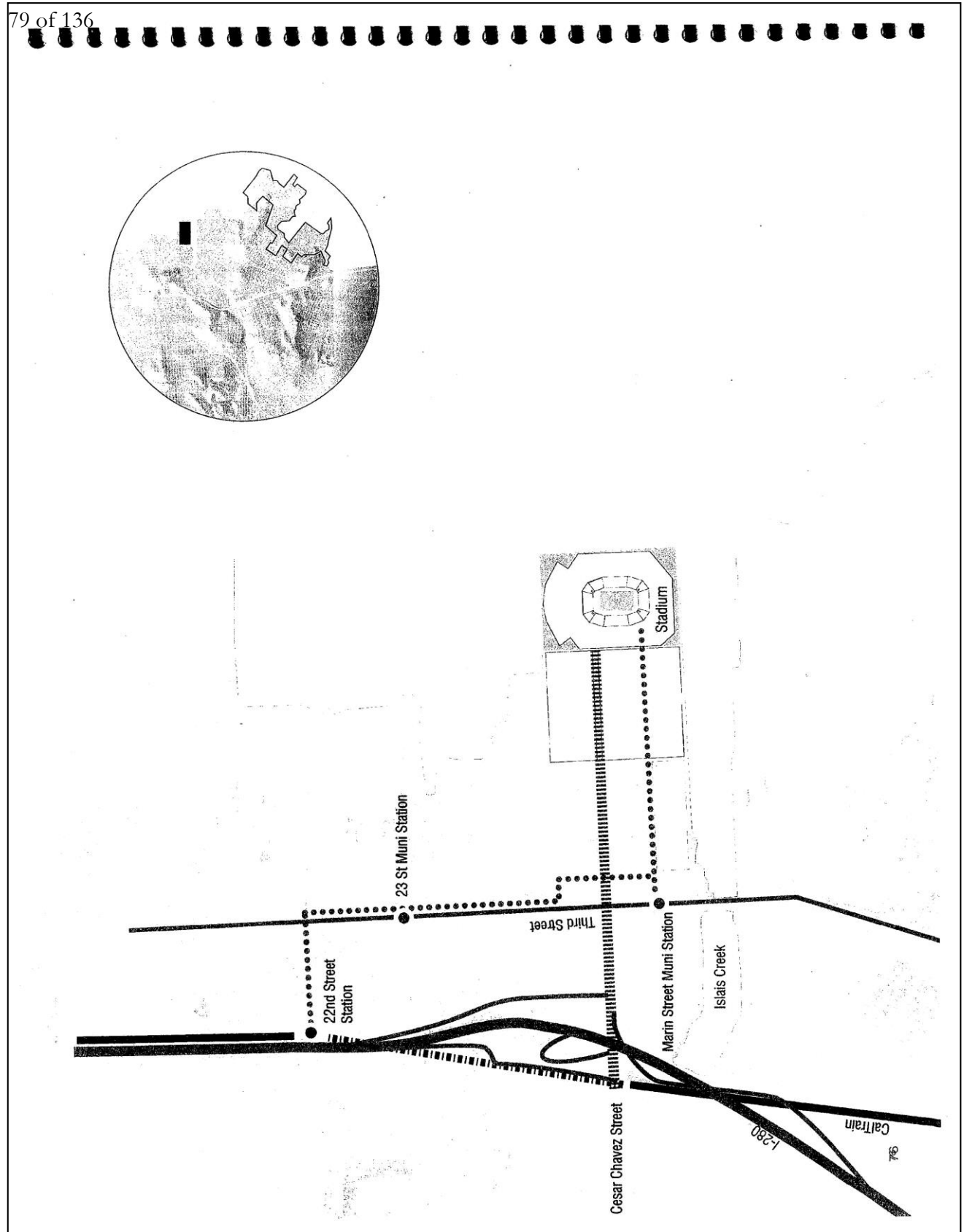
benefits

- flat site owned by port of san francisco
- +/- 1 mile from I-280 access
- walking distance (10 min.) to marin street light rail stop
- connection to caltrain via light rail or walking
- minimal traffic impact to residential neighborhoods

85-31
cont'd.



STADIUM LOCATIONS OFF THE SHIPYARD 75

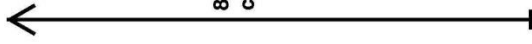


ALTERNATIVE STADIUM LOCATION #4
pier 80

benefits

- flat site owned by port of san francisco
- +/- 1 mile from I-280 access
- walking distance (7.5 min.) to marin street light rail stop
- connection to caltrain via light rail or walking
- minimal traffic impact to residential neighborhoods

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STADIUM LOCATIONS OFF THE SHIPYARD 77

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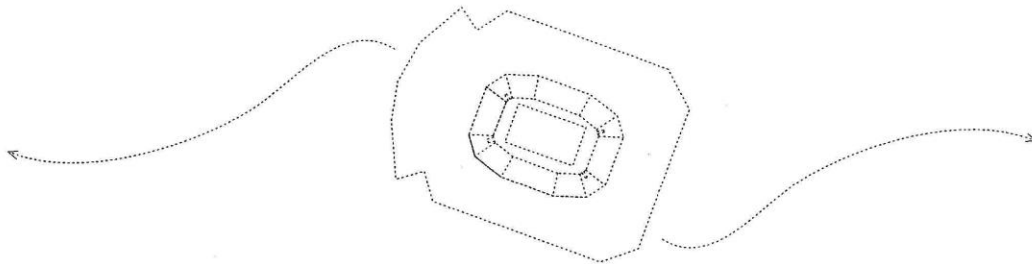
78

SHIPYARD ALTERNATIVES

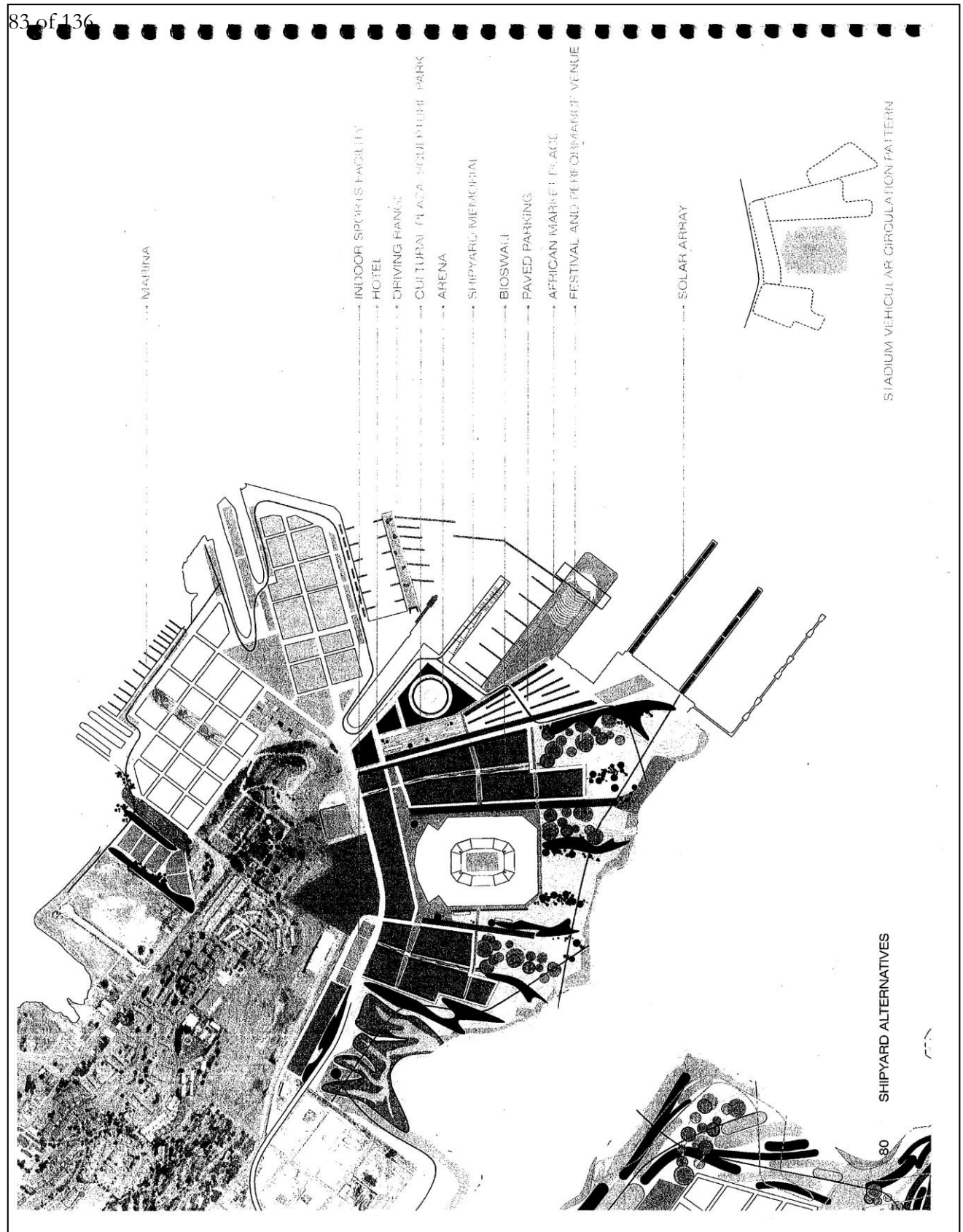
The Lennar proposal places the stadium on Parcel G. If there is to be a football stadium within the Hunters Point Shipyard, it is essential to examine the costs and benefits of other locations as well, considering the possibility of associated parking dominating sites better used for housing and jobs. The following alternatives study land use configurations for five stadium locations—Lennar’s proposal, Parcels B, C, and G, and no stadium on the Shipyard.

85-32

The alternative concepts presented for discussion are based on the HPS CAC/PAC’s objectives for the project, the CA DPR’s mission statement, and on criteria and approaches developed in consultation with numerous stakeholders.



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SHIPYARD ALTERNATIVE #1 stadium on parcel G

concepts

- integrate stadium with the park, fields, and water resources, to keep the park and waterfront active
- larger park on parcel E for water resources and ecological programs

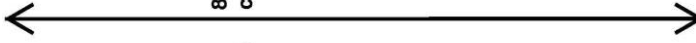
features

- 20,000-seat arena shares parking with the stadium and performance venue on the regunning pier
- arts and entertainment district

topics for study

- distance of water resources from vertical development
- programming to keep the park active and visible
- distance of the park from the residential users

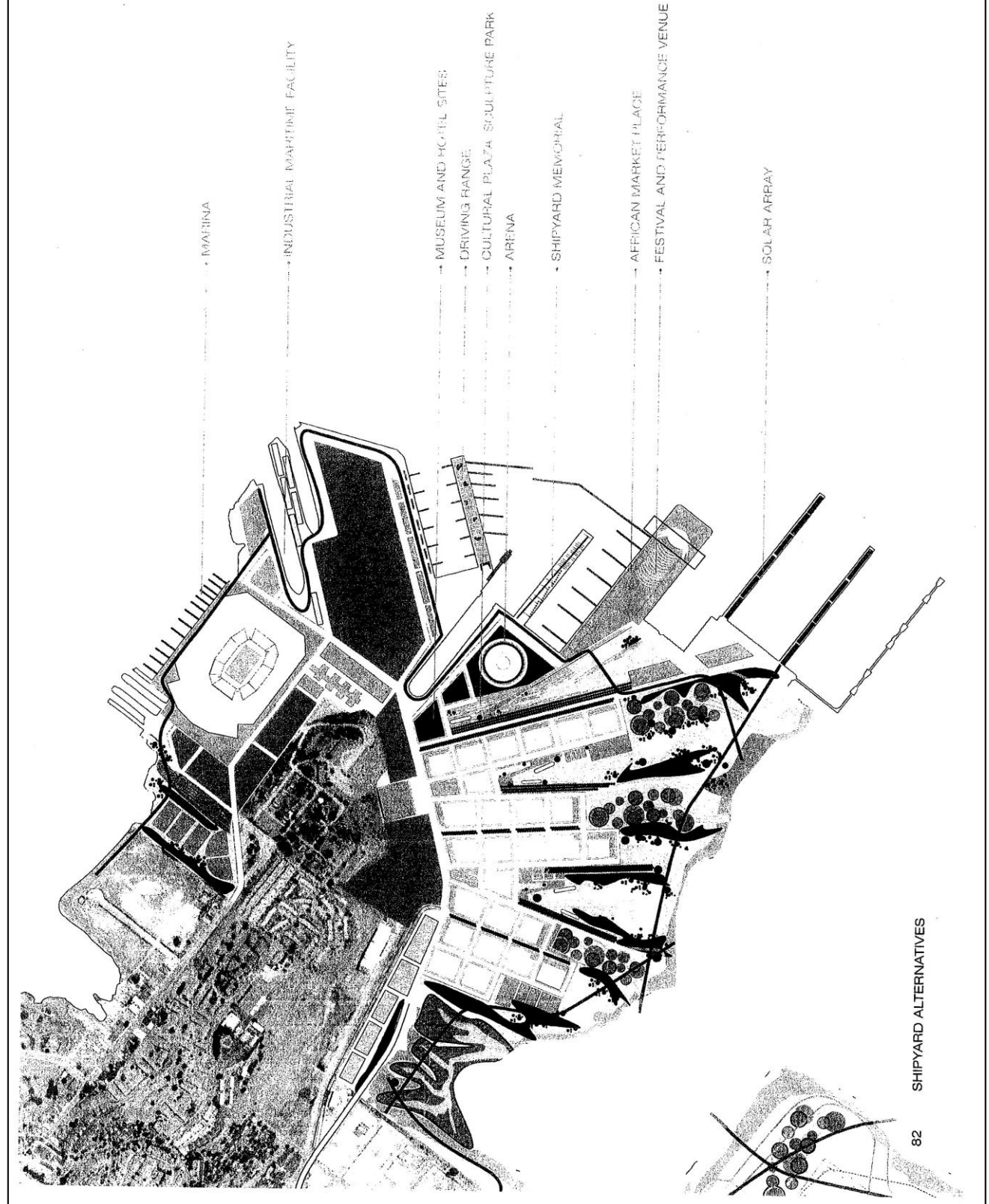
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- SPORTS
- DUAL USE TURF
- RESIDENTIAL
- MIXED USE/COMMERCIAL
- RESEARCH AND DEVELOPMENT
- CULTURE ENTERTAINMENT
- WATER SYSTEMS
- PARK CONCESSION

SHIPYARD ALTERNATIVES 81

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SHIPYARD ALTERNATIVE #2 stadium on parcel B

concepts

- create housing integrated with the park on Parcels D and E
- larger park on parcel E for water resources and ecological programs
- stadium and sports fields on sites with hard water edge

features

- sports park is separate from waterfront park on Parcel E
- arts and entertainment and night life district
- water resources located close to vertical development
- industrial maritime facility on parcel C

topics for study

- views of stadium from parcel A
- form of stadium on parcel B
- programming to keep the park active and visible
- density of residential and mixed use development
- parking for arena

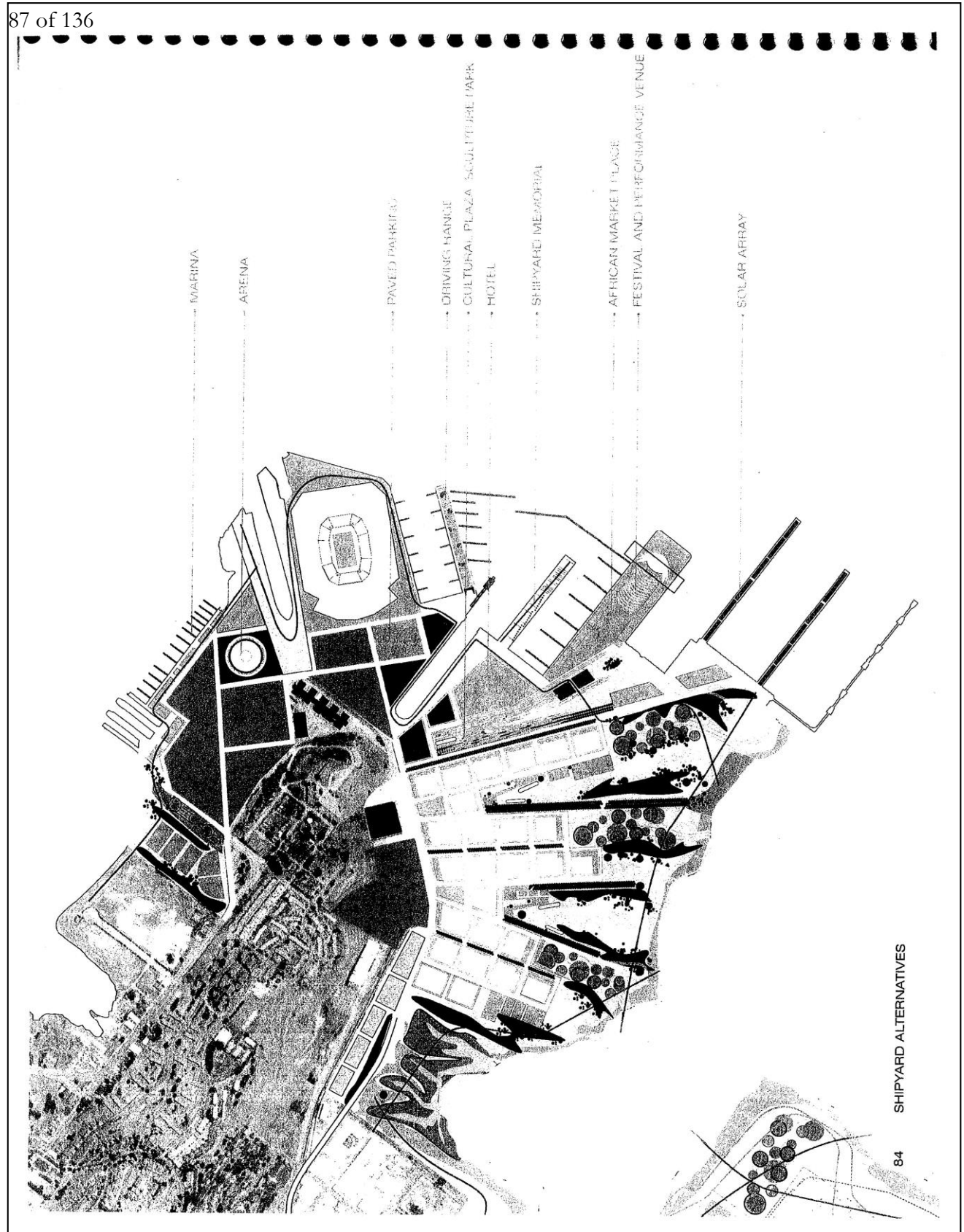
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SHIPYARD ALTERNATIVES 83



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SHIPYARD ALTERNATIVE #3 stadium on parcel C

concepts

- create housing integrated with the park on Parcels D and E
- larger park on parcel E for water resources and ecological programs
- stadium and sports fields on sites with hard water edge

features

- sports park is separate from waterfront park on Parcel E
- larger arts, entertainment, and night life district centered around cultural plaza and dry dock
- water resources located close to vertical development
- stadium and arena share parking

topics for study

- views of stadium from parcel A
- form of stadium on parcel C
- dry docks on parcel C
- density of residential and mixed use development

85-32
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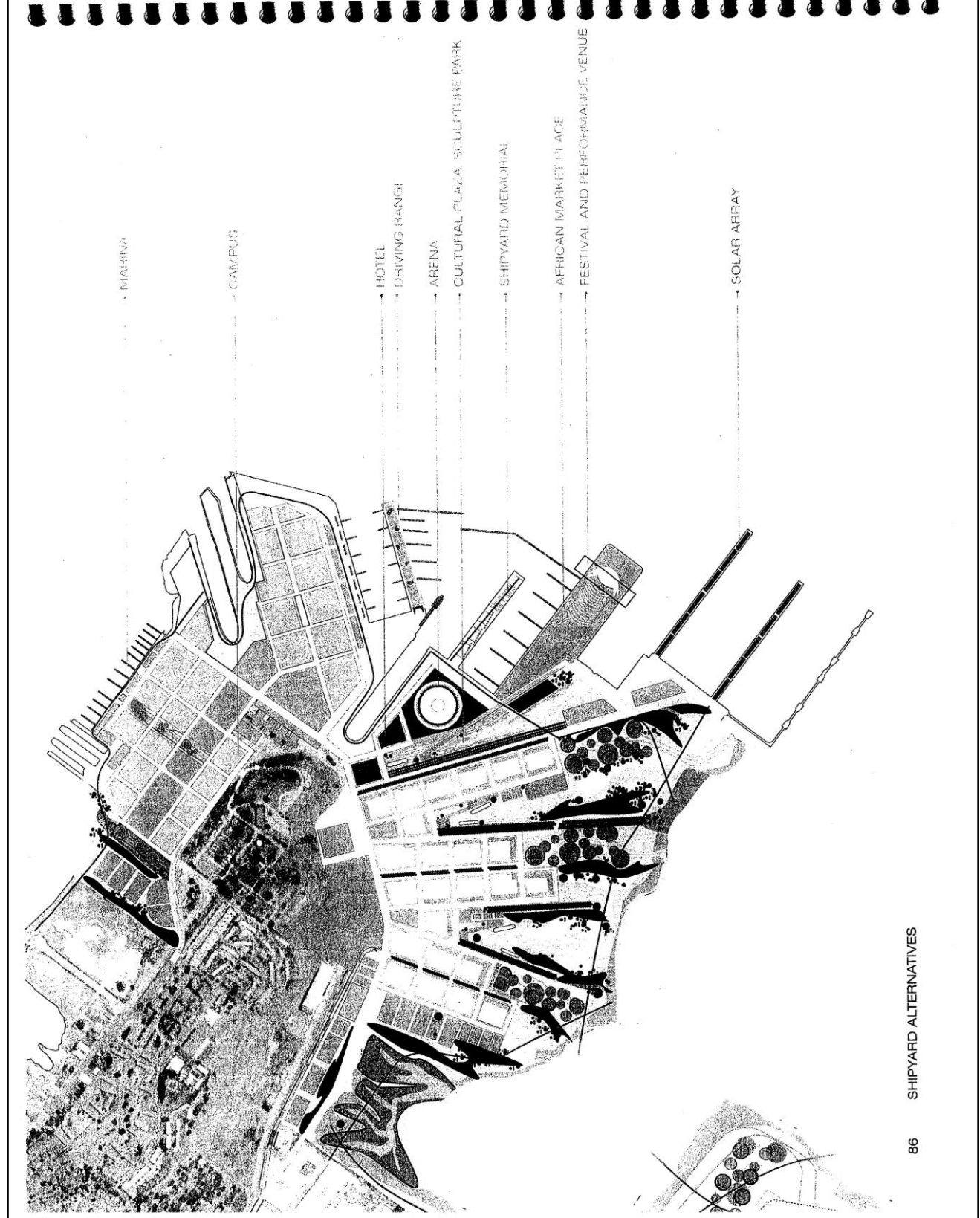


SHIPYARD ALTERNATIVES 85

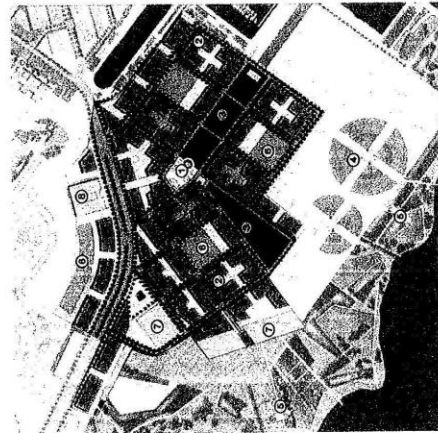
- SPORTS
- DUAL USE TURF
- RESIDENTIAL
- MIXED USE COMMERCIAL
- RESEARCH AND DEVELOPMENT
- CULTURE ENTERTAINMENT
- WATER SYSTEMS
- PARK CONGRESSION



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SHIPYARD ALTERNATIVE #4 no stadium on shipyard



- 1 Central Innovation Plaza
- 2 R&D Buildings
- 3 Open Space
- 4 Community Sports Field Complex
- 5 State Park
- 6 Structured Parking
- 7 Surface Parking
- 8 Building 813

Source: Candlestick Point-Hunters Point Shipyard Urban Design Plan, Lennar Urban, 9/25/08.
 Lennar proposal. No stadium alternative

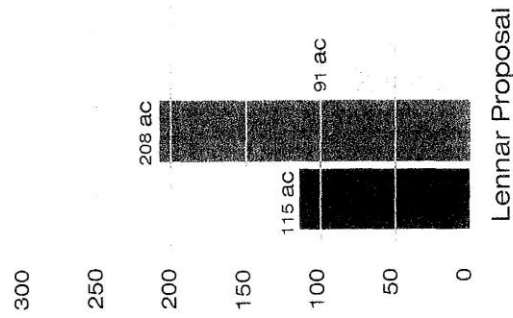
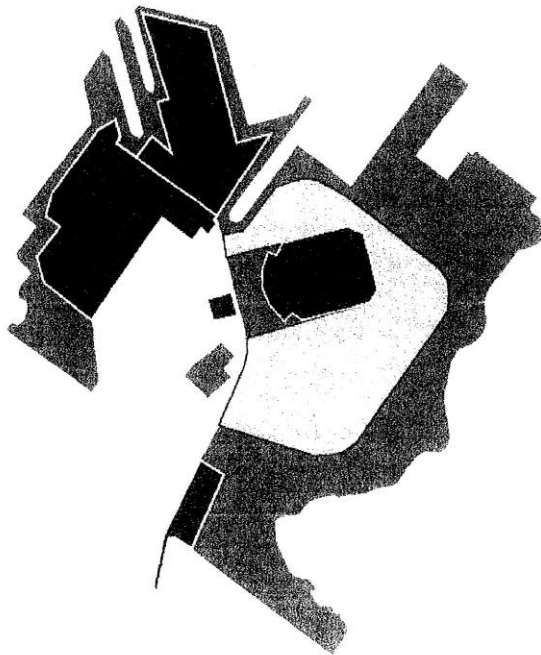
85-32
 cont'd.

- concepts**
- create housing integrated with the park on Parcels D and E
 - larger park on parcel E for water resources and ecological programs
 - two clusters of research and development
 - campus and digital arts added to land use mix
- features**
- sports parks are distributed for local and city wide use
 - arts, entertainment, and night life district centered around cultural plaza
 - water resources located close to vertical development

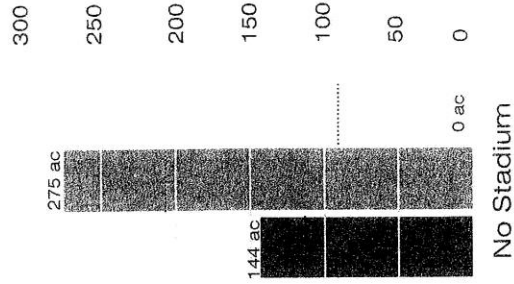
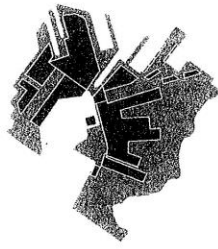
- topics for study**
- parking for arena and festival venue
 - density of residential and mixed use development



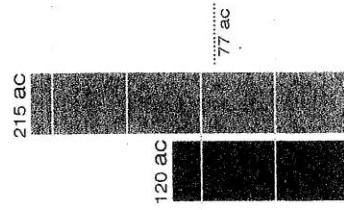
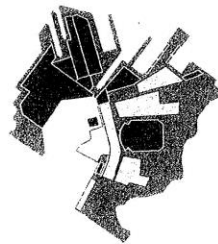
SHIPYARD ALTERNATIVES
comparisons of the five stadium scenarios



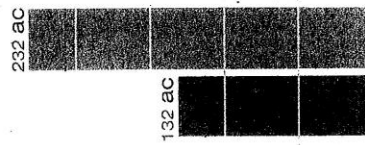
92 of 136



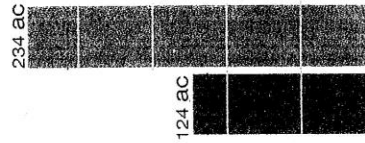
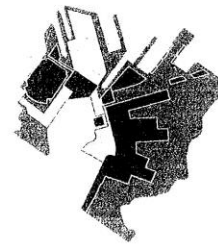
No Stadium



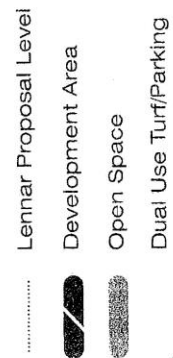
Parcel G



Parcel C



Parcel B



SHIPYARD ALTERNATIVES 89



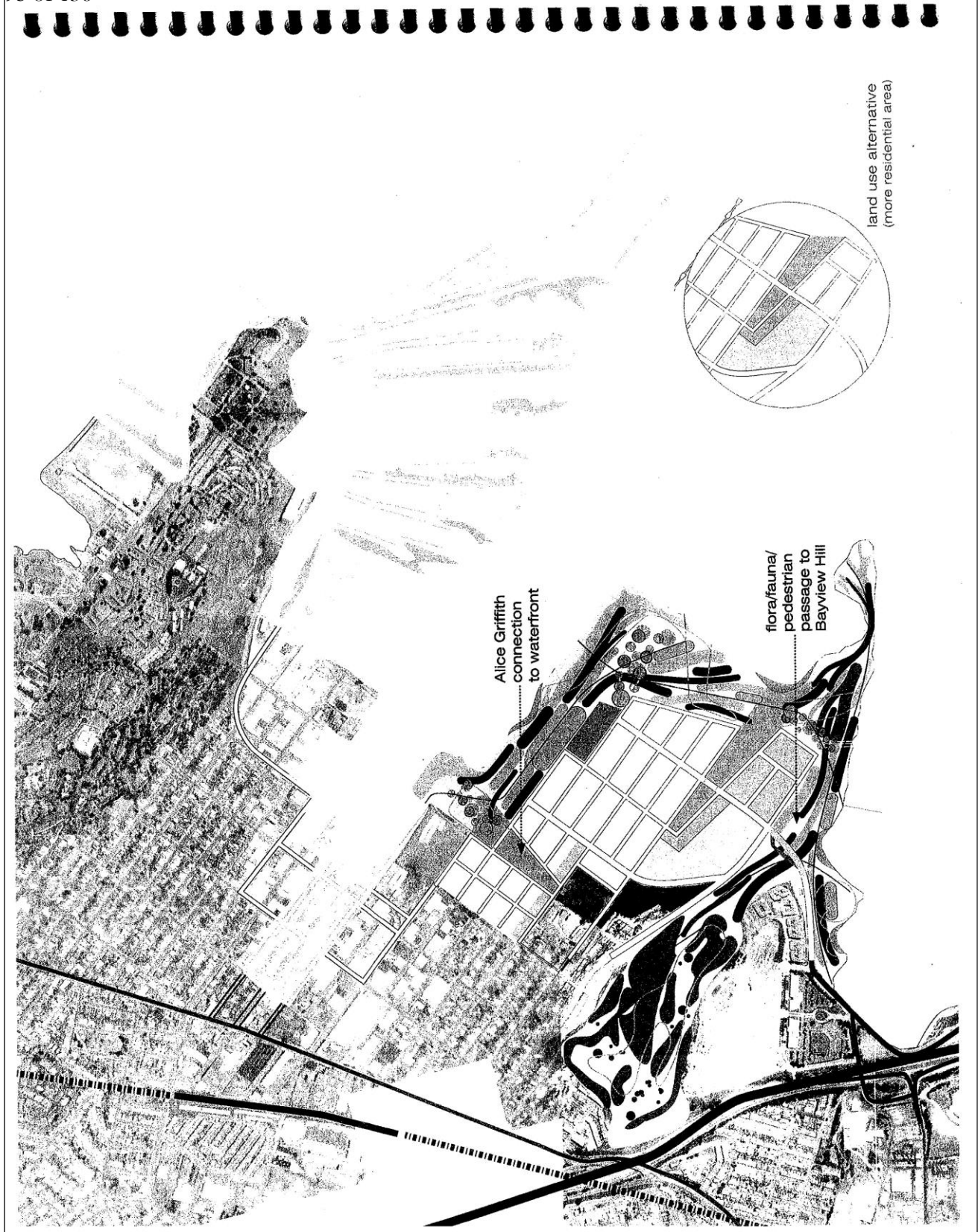
Aerial view of existing Candlestick Point

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CANDLESTICK ALTERNATIVE

91





candlestick alternative

concepts

- more compact residential footprint
- ecological composition coordinated with park programs and features
- connect Alice Griffith to the waterfront and existing pedestrian bridge and incorporate topography of the site
- maintain distance between water and vertical development

features

- fauna and pedestrian passage to Bayview Hill
- water resources located close to vertical development

topics for study

- density of residential and mixed use development
- density and housing type for Alice Griffith
- R&D land use alternative

85-33

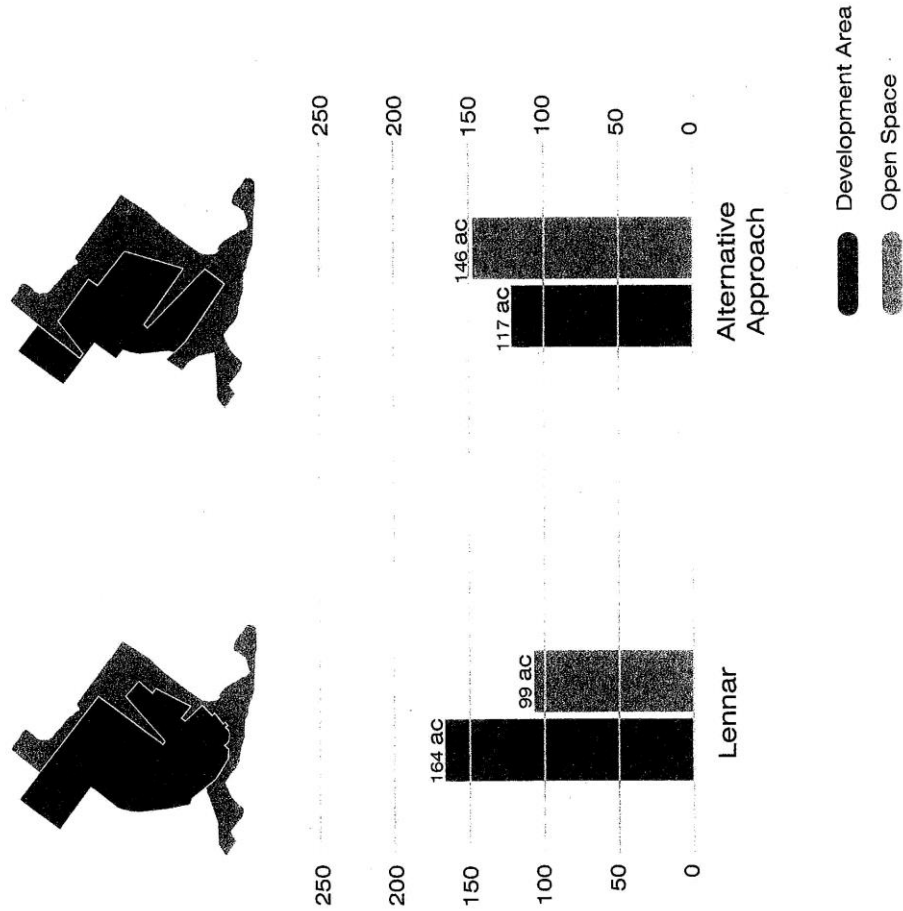


Candlestick Point Land Use Plan, Lennar Proposal
 Source: Candlestick Point/Hunters Point Shipyard Urban Design Plan
 Lennar Urban, 9/25/08.

- SPORTS
- DUAL USE TRAIL
- RESIDENTIAL
- MIXED USE (COMM. / RESID.)
- RESEARCH AND DEVELOPMENT
- STRUCTURE, ENTERTAINMENT
- WATER SYSTEMS
- PARK CONVERSION

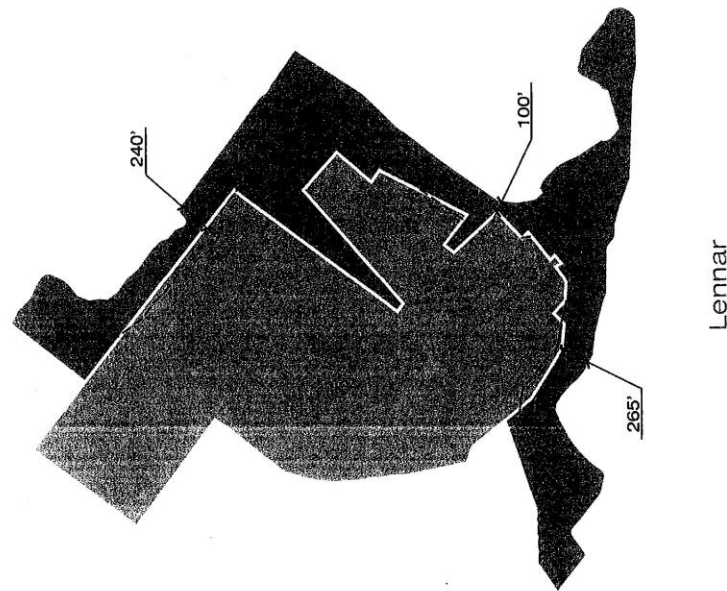
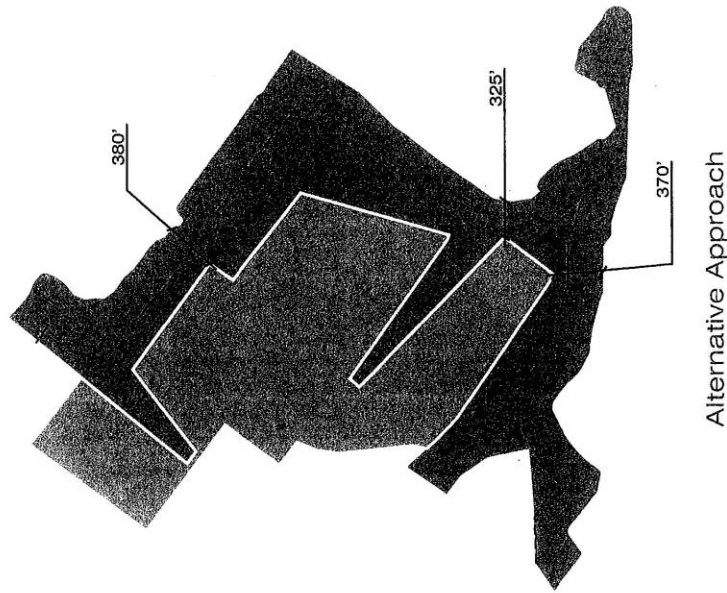
CANDLESTICK ALTERNATIVE 93

CANDLESTICK
development comparison



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CANDLESTICK
development setbacks from shoreline



- CPSRA boundary
- █ Proposed open space
- █ Proposed development

CANDLESTICK ALTERNATIVE 95

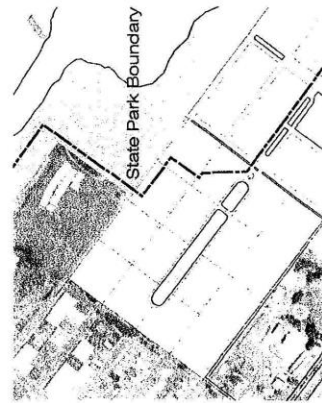
alice griffith alternatives

If a different approach to planning improves access to the water, open space assets, and circulation, then it will also create new alternatives that can benefit Alice Griffith.

85-34

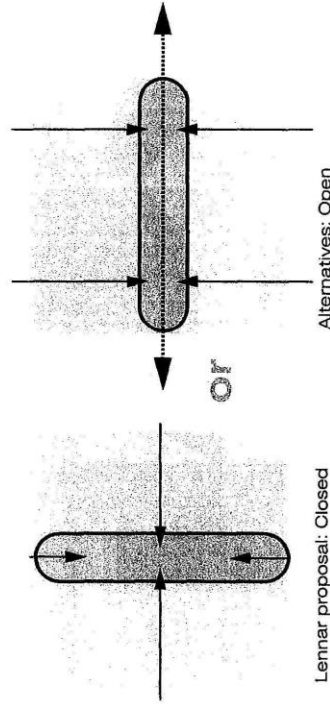
Reconfiguring the housing and open space of Alice Griffith would improve its connection to the surrounding neighborhood, waterfront, and Bayview Hill, while providing connections between existing and planned open space.

The redesign can solve three problems with the design in the Lennar proposal:



1) edge

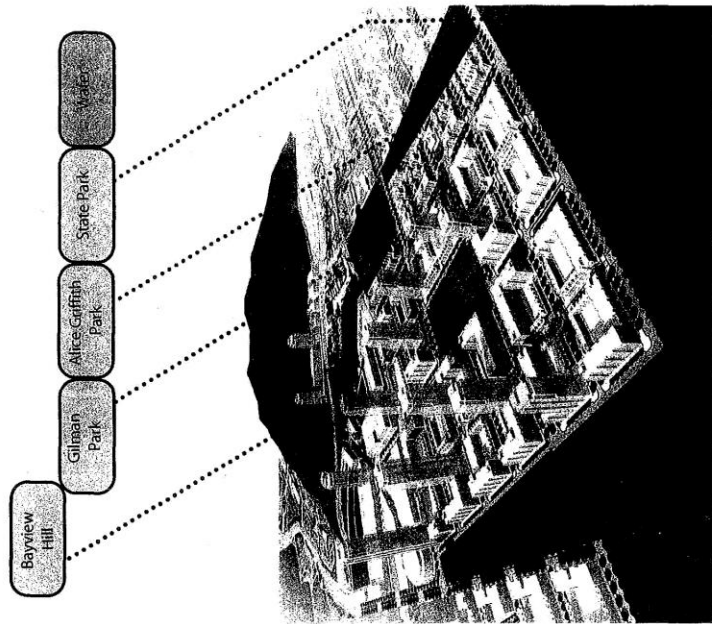
In the Lennar proposal Alice Griffith occupies state park lands, decreasing wildlife corridor width at the mouth of Yosemite Creek. Alternatives should preserve the width of the state park.



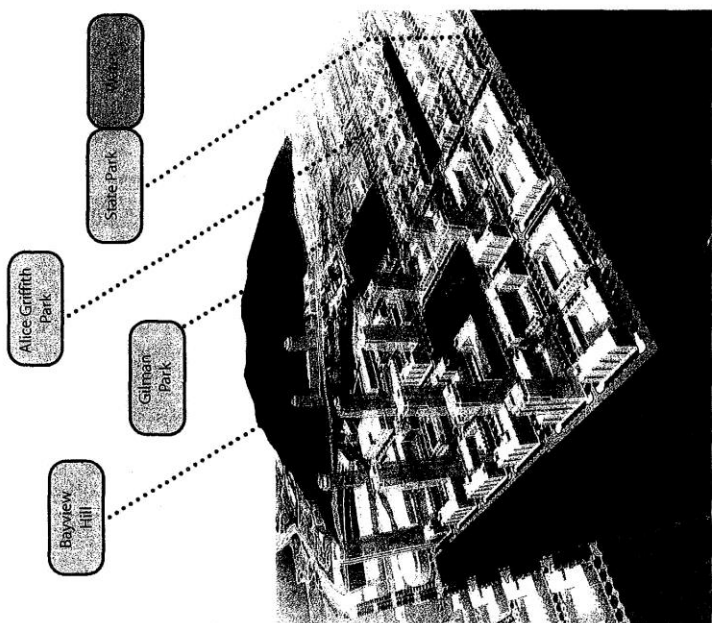
2) closed or open

In the Lennar proposal, the central open space in Alice Griffith is disconnected from the adjacent open space and the neighborhood. In this context this type of open space can become closed off to users and claimed as "turf". An alternative approach is to create connections to existing open spaces and the waterfront so that there is a constant and diverse flow of users.

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Alternatives: By rotating Alice Griffith Park 90 degrees, all four areas become contiguous.



Lennar proposal: Bayview Hill, Alice Griffith Park, and Gilman Park, CPSFA are four separate open spaces.

3) separate or together

The Lennar proposal plans for isolated open spaces. The large common open space connects to the waterfront, and is surrounded by private development. An alternative approach is to create connections between new and existing open spaces. In this scenario the open space at Alice Griffith can connect to the waterfront.

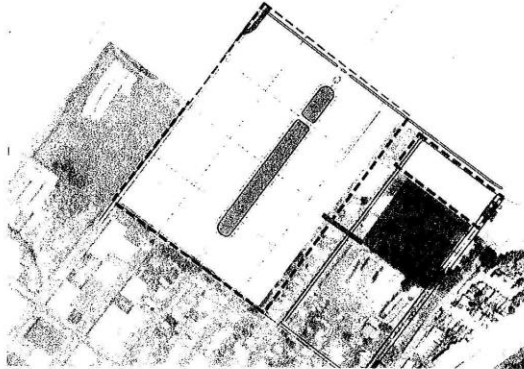
ALTERNATIVE PLANS FOR ALICE GRIFFITH HOUSING

The following diagrams compare the Lennar proposal's configuration for Alice Griffith to four of many possible alternatives. In each of the alternatives, the main open space is rotated. Rotating the open space accomplishes the following:

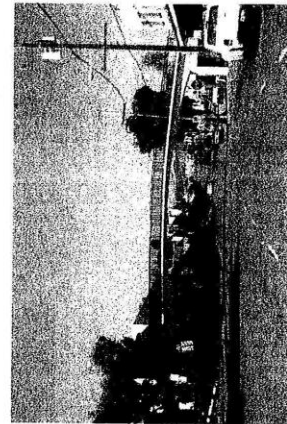
- improves connections in the open space system,
- opens up waterfront access from Alice Griffith,
- connects Alice Griffith to the existing pedestrian bridge, Gilman Park, and existing school and day care.
- improves the diversity of users,
- preserves the size of Candlestick Point State Recreation Area, and
- enhances the open space connection from the bay and park lands to Bayview Hill.

In addition, each alternative respects the current State Park boundary, decreasing the footprint of Alice Griffith. Selectively increasing density in Alternatives 1 and 2 achieves the desired square footage for the development. In Alternatives 3 and 4, the footprint expands to accommodate square footage requirements and integrate Alice Griffith into the surrounding community.

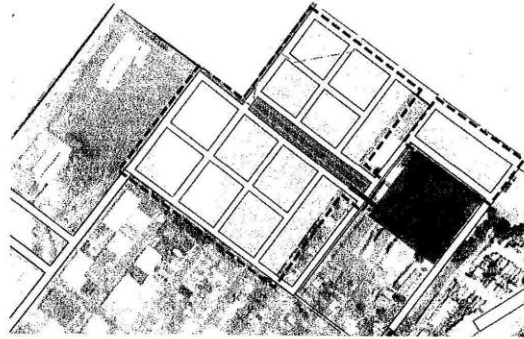
98 CANDLESTICK ALTERNATIVE



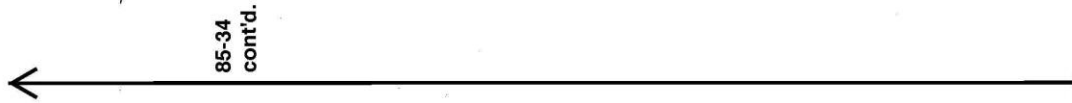
Lennar Proposal
Candlestick Point-Hunters Point Shipyard Urban Design Plan
Lennar Urban, 9/25/08.



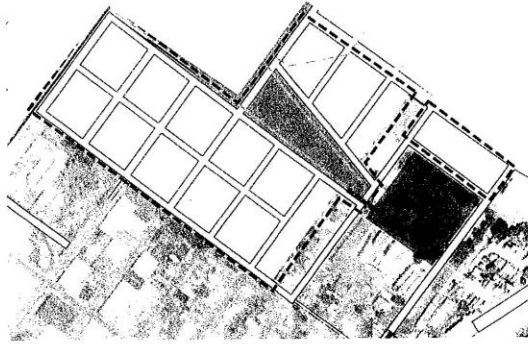
— = existing pedestrian bridge



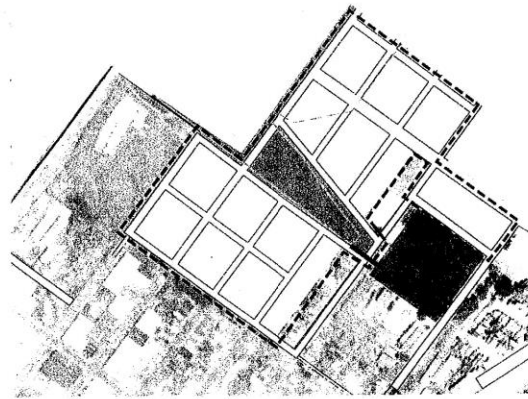
Alternative #1
Park: rotate
Density: increase



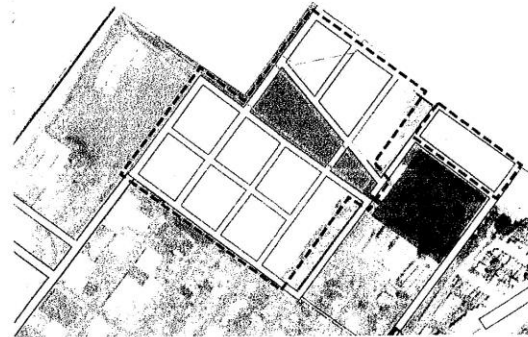
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Alternative #4
Park: rotate + wider
Density: equal, distribute north



Alternative #3
Park: rotate + wider
Density: equal, distribute east



Alternative #2
Park: rotate + wider
Density: increase + +

CANDLESTICK ALTERNATIVE 99



JOBS & ECONOMIC DEVELOPMENT

San Francisco's waterfront over the past 100 years has been a place of dynamic change. Activities once thought as mainstays of the city's local economy have given way to other uses as businesses, the Port, and the city respond to the ever-changing nature of the economy. As recent events have shown, making long term predictions about the economy can be tricky. A long term plan for a very large piece of urban real estate such as the CP/HPS site requires flexibility. In this section, Arc Ecology presents a series of sketches that explore ways the CP/HPS site might be developed to maximize its economic and employment potential for Bayview Hunters Point and the city. It is too early in the planning process to project the particular kinds of businesses and institutions that will be viable economic enterprises over the life of the project, and the long term outcome of the current economic chaos is unpredictable; but it is not too early to explore the potential of the site - its size, locational and physical attributes, and amenities - to host economic activities that would meet specific needs over time of current BVHP residents for jobs and business opportunities. The sketches provide some examples of activities that would take advantage of the site's special potential and create spatial synergies with the givens (stadium, housing). Like the rest of San Francisco's waterfront, the opportunities presented by the Shipyard and Candlestick will grow and change over time. Initially the jobs and businesses will be related to construction, which will most likely last well into a decade, and be gradually replaced with permanent jobs and businesses.

The concepts presented in this section are "sketches" that were derived from scores of meetings with residents and leaders from Bayview Hunters Point and San Francisco. Identifying these uses now and sketching out their land and locational needs helps to assure that they will be given priority and not be unintentionally pre-empted. The sketches highlight the need for policies and programs that match site opportunities with the economic needs of the BVHP community that vary according to their age, education, sex, and incarceration history. These sketches capture hopes and aspirations

85-35

people have had for this part of town for many years. Our purpose in presenting these sketches is to explore various ideas about the interaction between land use and economic development and to facilitate a public dialogue regarding this crucial component of the CP/HPS project.

PRIORITIES

A high priority for the redevelopment of the CP-S Site is economic development that will create jobs and a range of small to large business ownership opportunities responsive to the needs of the residents of Bayview-Hunters Point, and secondarily for the rest of the city. Another priority is the identification of economic development strategies that will allow for a wide range of entry positions, as well as advancement and growth on the part of job holders. Still another is a diversity of economic activity so as not to put the projects economic eggs in one strategic basket. Achieving these goals will require the three legs of coordinated effort to attract businesses that match the potential of the Bayview-Hunters Point workforce: public policies, educational programs, and a land use plan.

A preliminary consideration is that the jobs potential of this site will begin almost immediately, and continue and change over the project's lifetime. The timing of project development will set the stage for the first phase of job creation; the demographics of the local labor force (age in particular) during the construction phase will set the terms of the jobs equation.

85-35
cont'd.

TIMING

The project will create a variety of jobs that are both temporary and permanent. The jobs will require a range of education and skill levels. The schedule of construction, and completion of phases will dictate what kinds of jobs are available and when.

Candlestick:

- Plan Approval (2009)
- Demolition and environmental surveying (2010-2011)
- Remedial Responses and Infrastructure (2011)
- Building Pads and Streets (2012-2014)
- New Construction (2014-2018)

Hunters Point Shipyard:

- Plan Approval (2009)
- Remedial Design and Action Plans (2009-2011)
- Remedial Responses, Demolition (2010-2014)
- Infrastructure (2011-2015)
- Stadium Construction (2011-2012)
- Building Pads and Streets (2012-2016)
- New Construction (2012-2020)

85-35
cont'd.

LOCAL LABOR FORCE

Jobs are needed by workers with across a wide age range in Bayview-Hunters Point. Many current older residents need to work well into their 70's, and possibly beyond to make ends meet. Young workers need to establish a foothold. It is important that job creation efforts address the differing needs of all age groups. These needs include:

- immediate jobs for adults between 20 and 75,
- jobs with long term prospects (5-20 years) for adults between 20 and 50,
- apprenticeship opportunities for adults between 20 and 40,
- development of future employment opportunities for children and youth between 1 and 20,
- development of ownership opportunities for adults between 20 and 60, and
- development of future ownership opportunities for children between 1 and 20.

102 JOBS AND ECONOMIC DEVELOPMENT

JOB AND OWNERSHIP PHASING

Current adult residents of BVHP (now through year 3; Mostly Parcel A Phase 1 and Phase 2 Parcels B, D2, G, & O).

- Construction
- Contracting
- Supply
- White Collar (Back Office)
- Early Sports (Driving Ranges, Stadium)

Near-term employment and ownership opportunities for current adult residents of BVHP (year 3 through year six; Mostly Parcel A Phase 1 and Phase 2 Parcels B, D2, G, & O).

- Retail (shops, grocery, supermarket)
- Maintenance (HVAC, Groundskeepers, Mechanical Engineers, Building Maintenance)
- Community Serving (Education, Health Care, Childcare, Social Services)
- Arts (fine, culinary, and performing)
- Early Sports (Driving Ranges, Stadium, parking/ sports fields)
- Early Hospitality (coffee shops, taverns, some restaurant)

Mid-to Long-term employment and ownership opportunities for current adult residents of BVHP (year 6 and Beyond - All Parcels).

- Retail (shops, grocery, supermarket)
- Maintenance (HVAC, Groundskeepers, Mechanical Engineers, Building Maintenance)
- Community Serving (Education, Health Care, Childcare, Social Services)
- Arts (fine, culinary, and performing)
- Academic Institution (Institute for Global Environmental Studies)
- Hospitality (restaurants, taverns, coffee shops, food kiosks, hotels)
- Entertainment (clubs, concert venues, Cineplex)
- Sports (indoor sports facilities, driving ranges)
- Blue Collar – Other (boat yards, revived dry dock, and marinas, ship scrapping)
- White Collar – Other (office)

85-35
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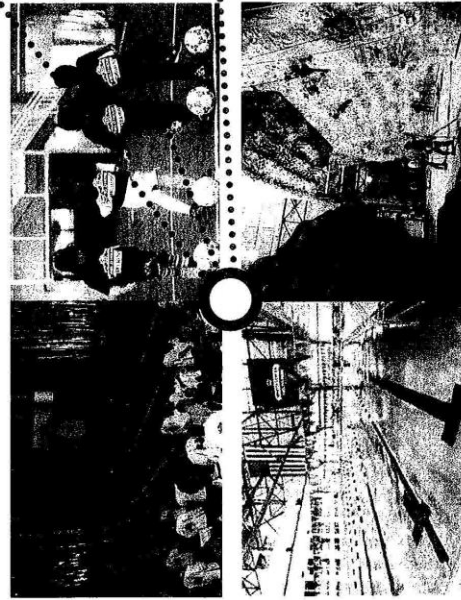
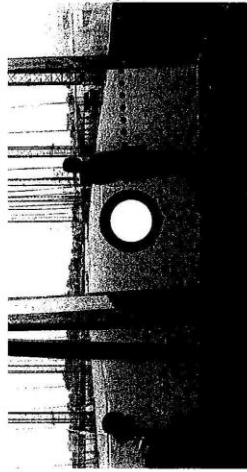


economic development scenarios

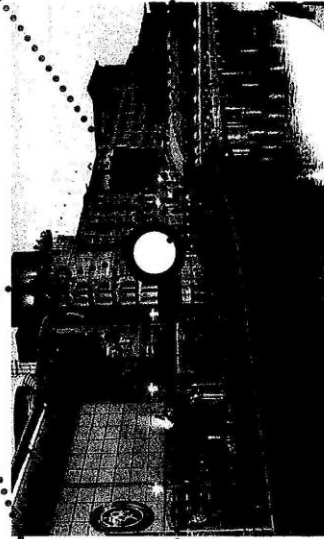
The following scenarios address the factors of timing, location, and labor force by looking at uses that meet the unique needs of the project. These scenarios employ the concepts of synergy, clustering, and location to facilitate economic development through the Urban Design plan. These programs are seen as contributing economic development activities over and above the community-serving businesses (groceries, copy shops, nail shops, coffee shops, etc., that will be built into the project). They contain activities that provide multiple points of entry into the economy for individuals of all ages and skills levels. Elements of any of these scenarios could be combined with others and are typically not mutually exclusive.

85-36

Driving Range On Piers



Indoor Sports Complex



Multi Screen Cineplex

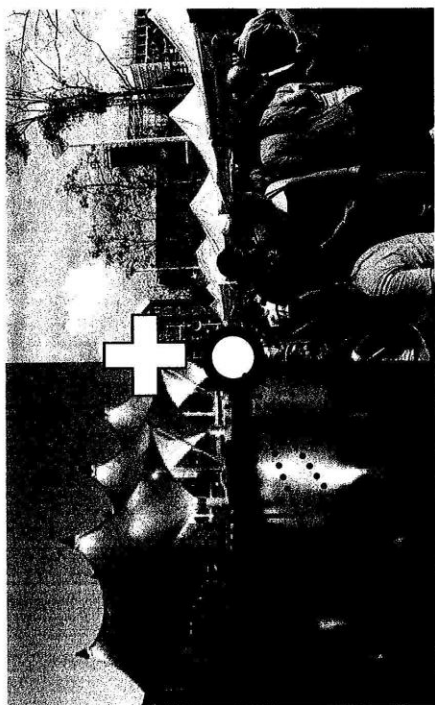
Conceptual diagram showing relationships among possible sports and entertainment venues and businesses.

SCENARIO 1: SPORTS AND ENTERTAINMENT

This scenario moves both the Stadium and the proposed arena into closer proximity to each other. These large venues, which can also host concerts, are supplemented by a smaller festival pavilion on the Shipyard's regunning pier. This pier is quite large and could host a music pavilion seating upwards of 5,000 people. There is also enough room on this pier to provide a home to the kiosks of the International African Market Place and restaurants. In this scenario adjacent piers could be converted to tented golf driving ranges. (the only driving range in the city was displaced by the Mission Bay Development) These uses would be complemented by a Chelsea Piers-style indoor sports complex which could host a variety of sports uses and a multi-screen cineplex.

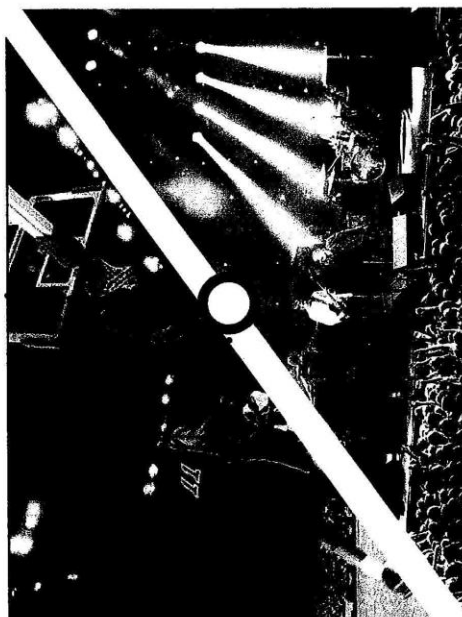
85-36
 cont'd.

This scenario uses efficiencies and complementary uses to create a diversity of economic activity. Parking for the stadium can accommodate all of the surrounding uses creating an efficiency in land area. Concerts in both the arena and the festival pavilion could be accommodated simultaneously giving the area more vitality. The Festival Pavilion and restaurants will be complimentary uses to the International African Marketplace. Together they will bring more mutually beneficial foot traffic. The cineplex and indoor sports complex ensure a constant flow of visitors to one another. This scenario focuses on creating small to large-scale businesses which require a range of employees from minimum wage/livable wage jobs, to skilled labor, to management and upper management positions.



Music Pavilion

International African Marketplace

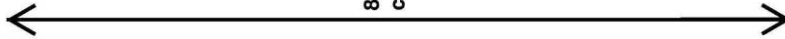


Indoor Sports Complex

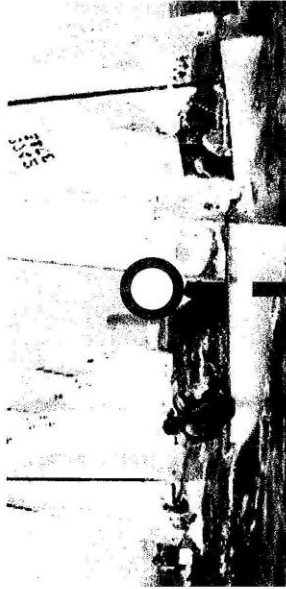
SCENARIO 2: BOAT YARD, SMALL CRAFT REPAIR, SMALL SHIP BREAKING

San Francisco has only one small craft boat yard, located at Mission Rock. There is demand for additional boat yard service such as dry storage, marina, and repair. There is no place in San Francisco for large luxury vessels to be built and repaired and this scenario offers a location for this very lucrative business. There is also no place to go in the City to purchase boats from a dealership.

There are existing technologies available for reviving the existing historic dry docks for ferry, barge, tug, and yacht repair as well as small ship breaking. These activities combine well with wharf-style restaurants, marinas, sailing schools, expanded Port of San Francisco Break Bulk activities, RV parking boat repair, and boat building. This scenario focuses on creating a substantial number of small to medium size businesses requiring blue collar labor which is aligned with the primary skills base in the BVHP community. Because it combines well with higher tech facilities this scenario provides opportunity over the broad band of needs identified earlier in this section. Parcel B is the preferred location because of its existing infrastructure that can support all of these activities.



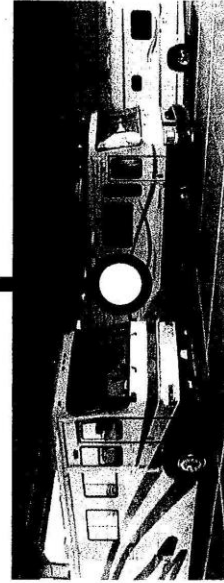
85-36
cont'd.



Water Sports, Schools, Clubs



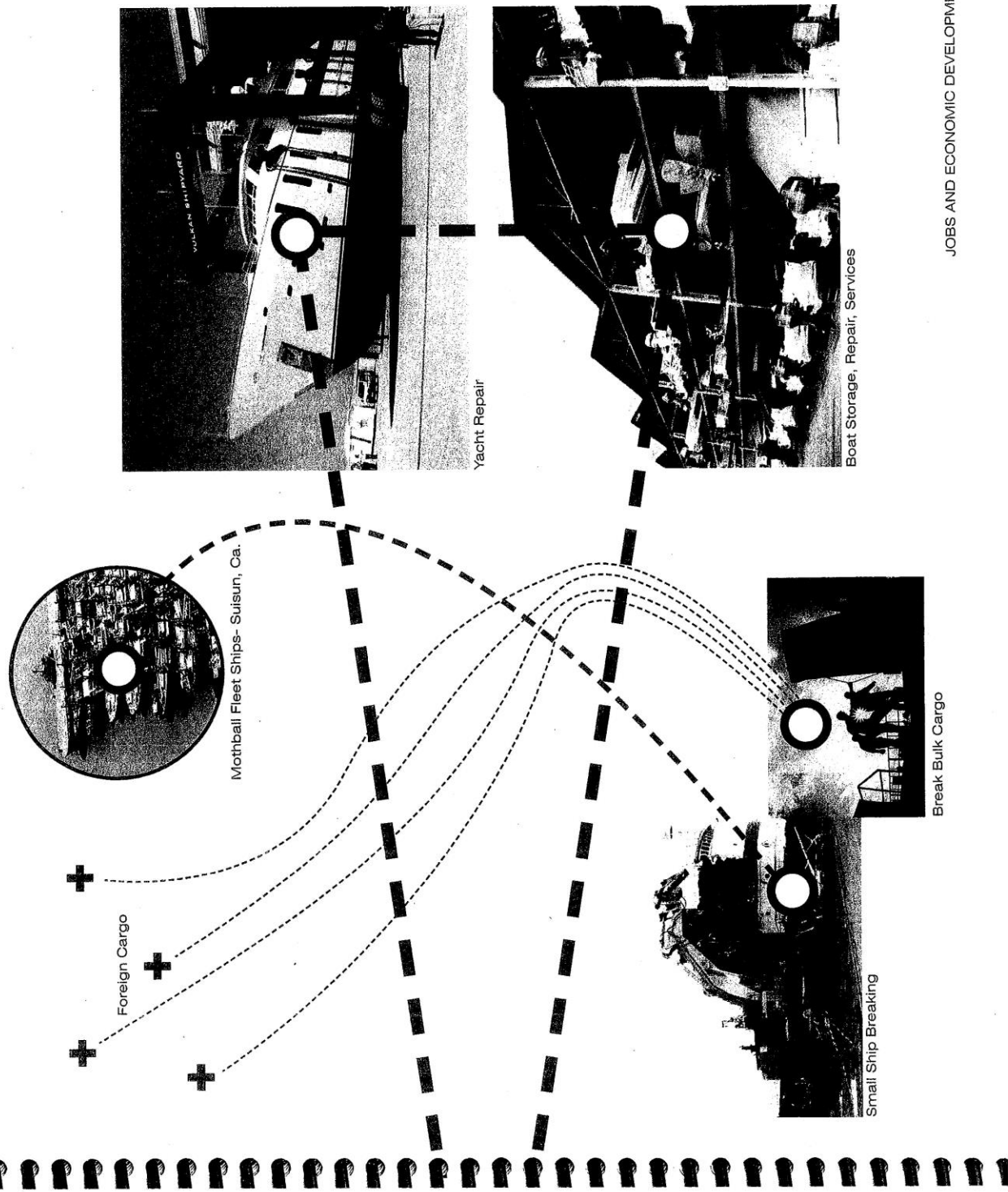
Marina, Boat Dealership, Marine Supply



RV Parking & Storage

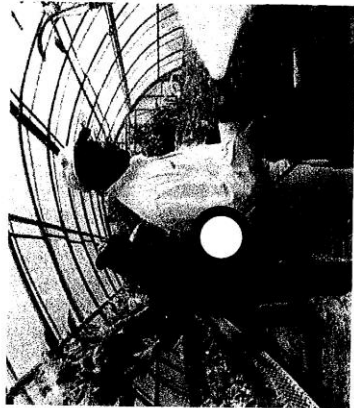
Conceptual diagram showing relationships among possible industries.

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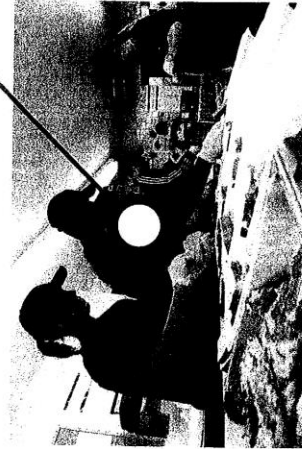


JOB AND ECONOMIC DEVELOPMENT 107

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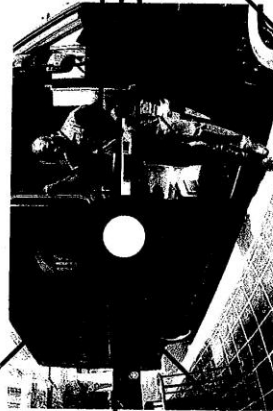
Grounds Keeping



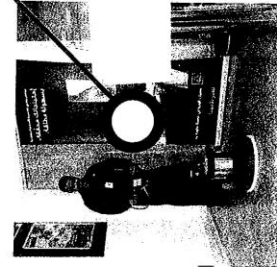
Services



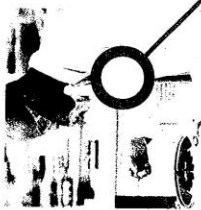
Facilities Management



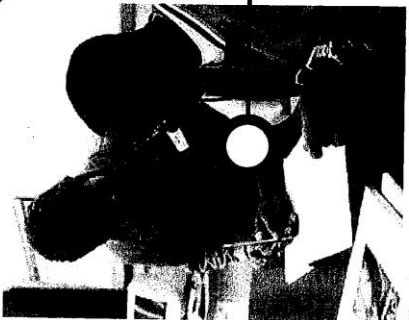
Delivery, Materials, Supplies, Contractors



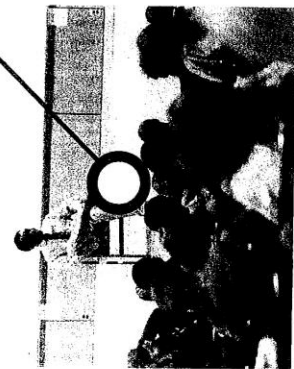
Maintenance



Technicians, Researchers



Teachers, Advisors, Management



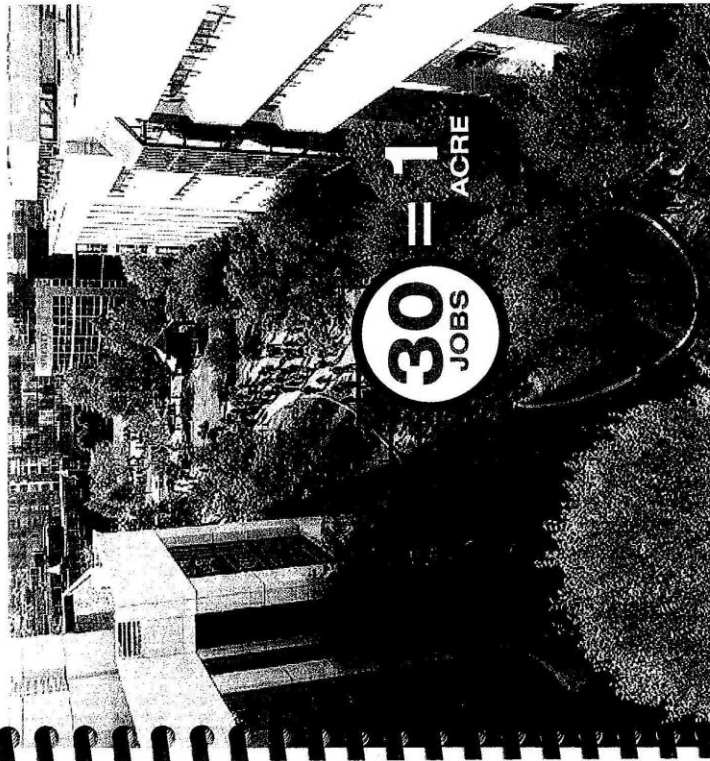
Administrators, Professors

SCENARIO 3: ACADEMIC / INSTITUTIONAL

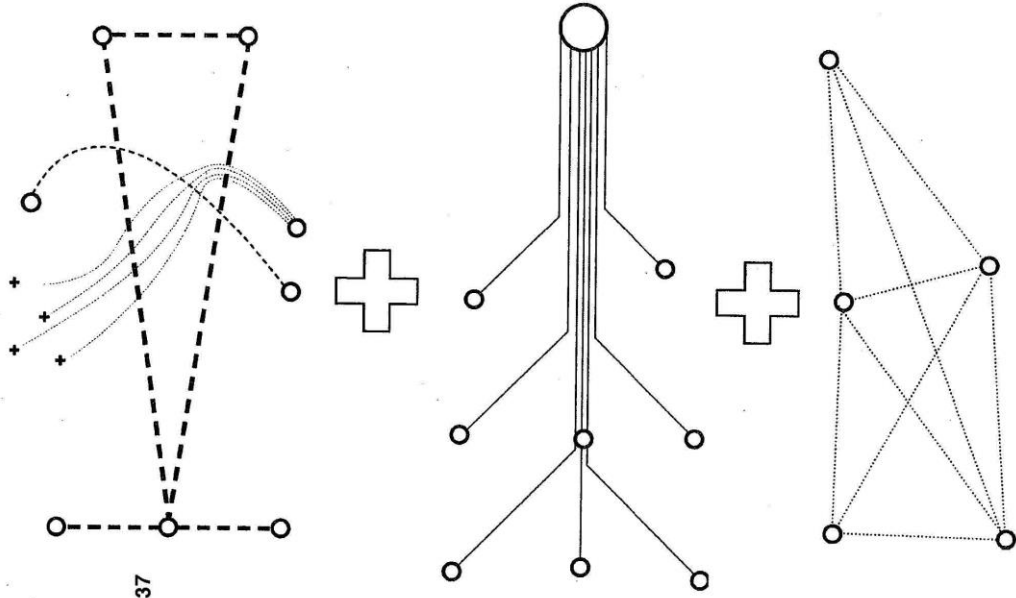
San Francisco offers distinct lifestyle, resource, and proximity benefits to entities involved in the creation of intellectual capital that requires knowledge workers. The scale and flat topography of the shipyard site is capable of hosting the university and institutional land uses that are long term incubators for intellectual capital. As land uses, these entities typically require large building footprints, close proximity to buildings for allied fields or research facilities, close proximity to housing, and expansion flexibility.

85-36
 cont'd.

As a job generator they offer direct employment, large quantities of jobs, and a broad range of job types. For example, UC Berkeley creates approximately 30 jobs/acre, and SF State creates 20 jobs/acre. The job types range from work study student jobs, to high paying grounds keepers and maintenance positions, to higher wage positions for professors, administrators, and chancellors. In addition to consistent wages they commonly offer other benefits to all employees such as health insurance, and retirement plans that enhance the net value and commitment to a position. Compared to other potential land uses for the shipyard site these entities consume significant quantities of materials and require the support of various types of contractors. The constant need for supplies and support tends to create private businesses in close proximity that service the institution, and long term contracts or alliances with local businesses.



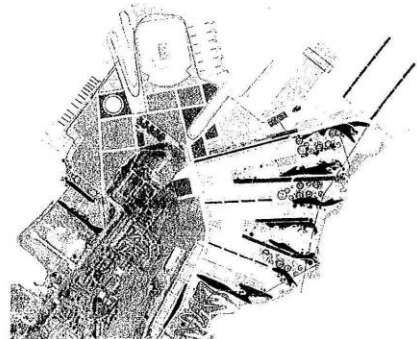
Conceptual diagram showing jobs created by universities or institutions.



85-37
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ECONOMIC DEVELOPMENT SCENARIOS + SKETCHES

The following sketches show how the scenarios described above might be applied and affected by the alternative plans and locations of the stadium. Similar to the open space, arts, and sports programs, different land use configurations present different opportunities, drivers, and built form for economic development.



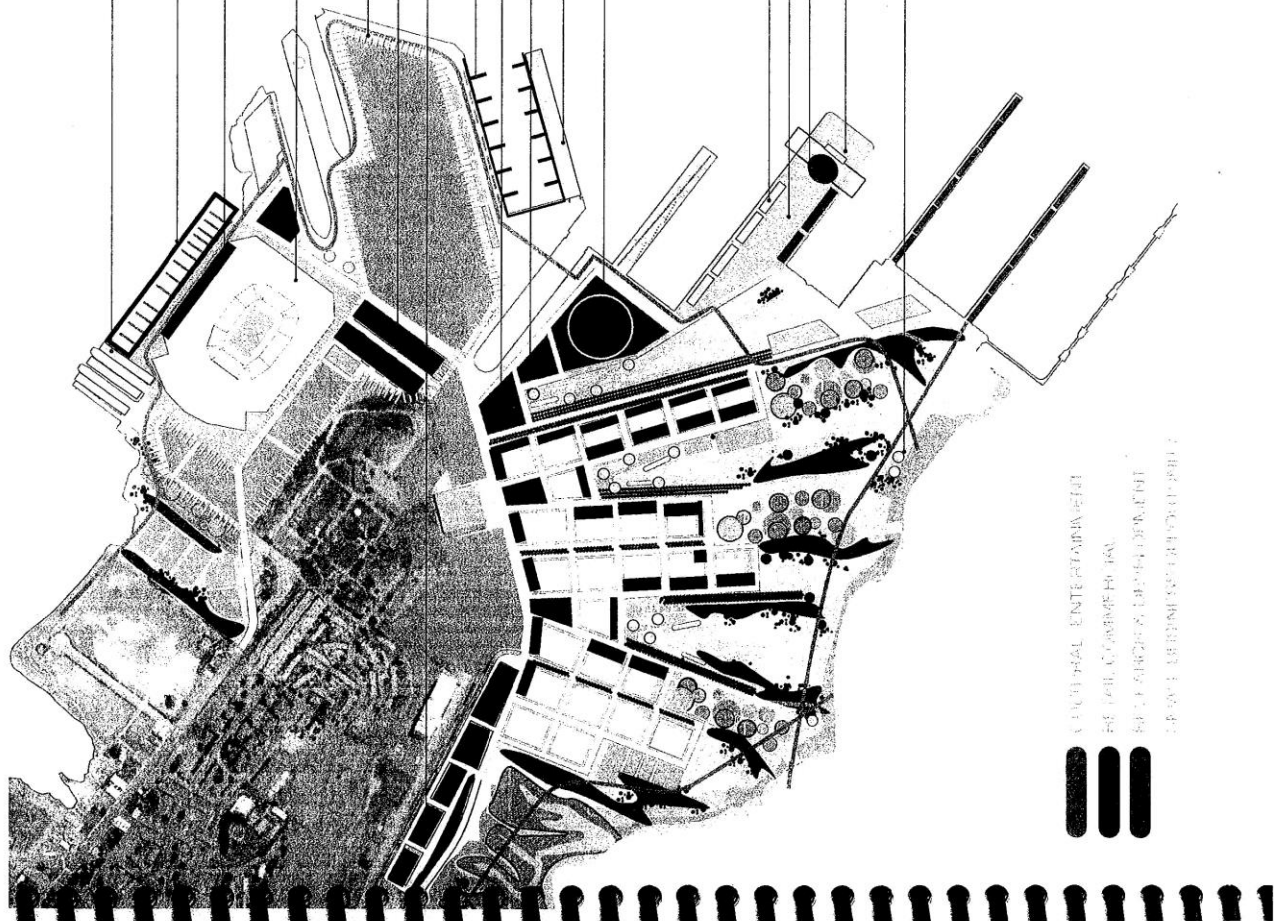
110 JOBS AND ECONOMIC DEVELOPMENT

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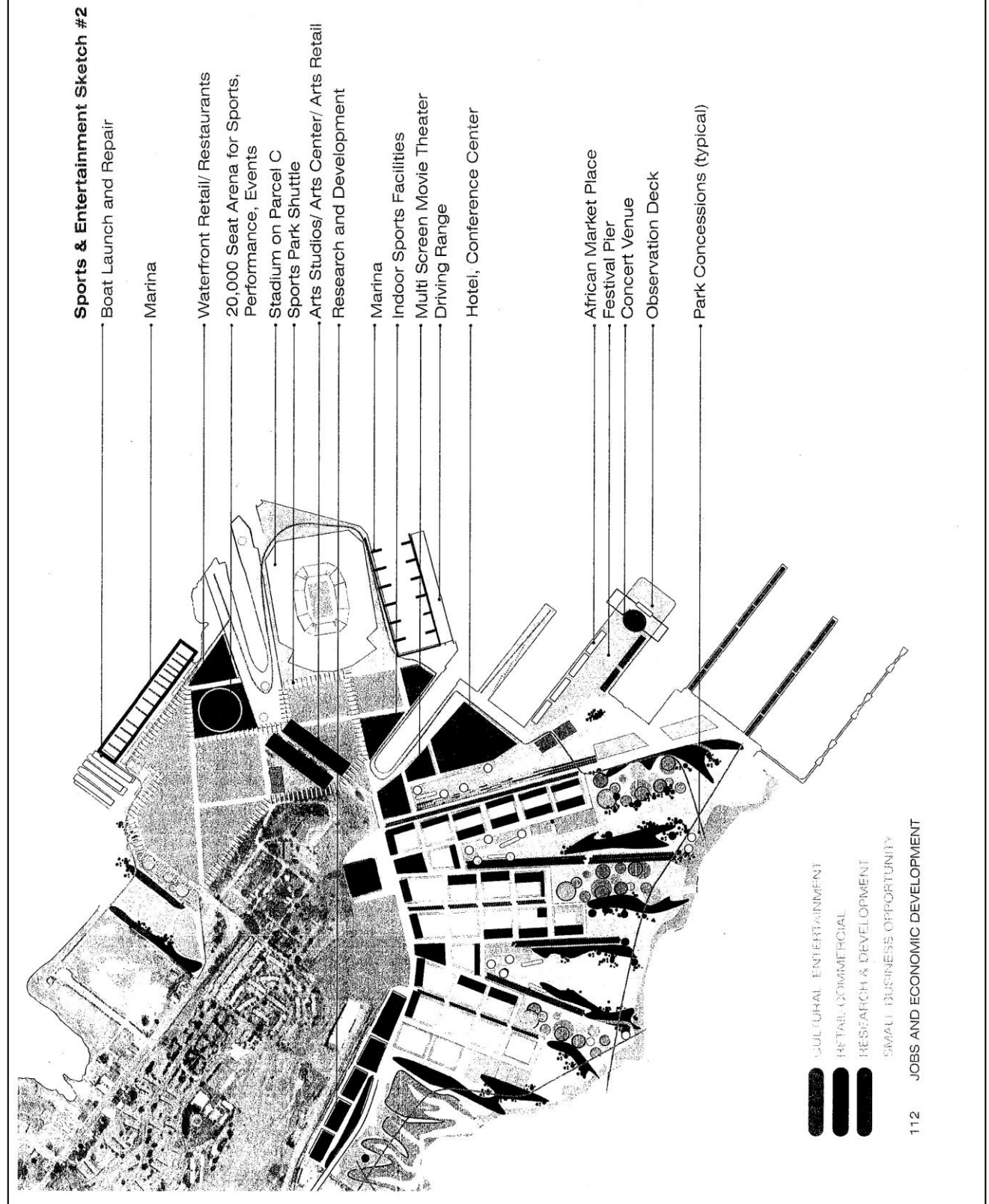
Sports & Entertainment Sketch #1

- Boat Launch and Repair
- Marina
- Waterfront Restaurants and Services in Stadium
- Stadium on Parcel B
- Sports Park Shuttle
- Arts Studios/ Arts Center/ Arts Retail Research and Development
- Marina
- Indoor Sports Facilities
- Multi Screen Movie Theater
- Driving Range
- 20,000 Seat Arena for Sports, Performance, Events
- African Market Place
- Festival Pier
- Concert Venue
- Observation Deck
- Park Concessions (typical)

JOB AND ECONOMIC DEVELOPMENT 111



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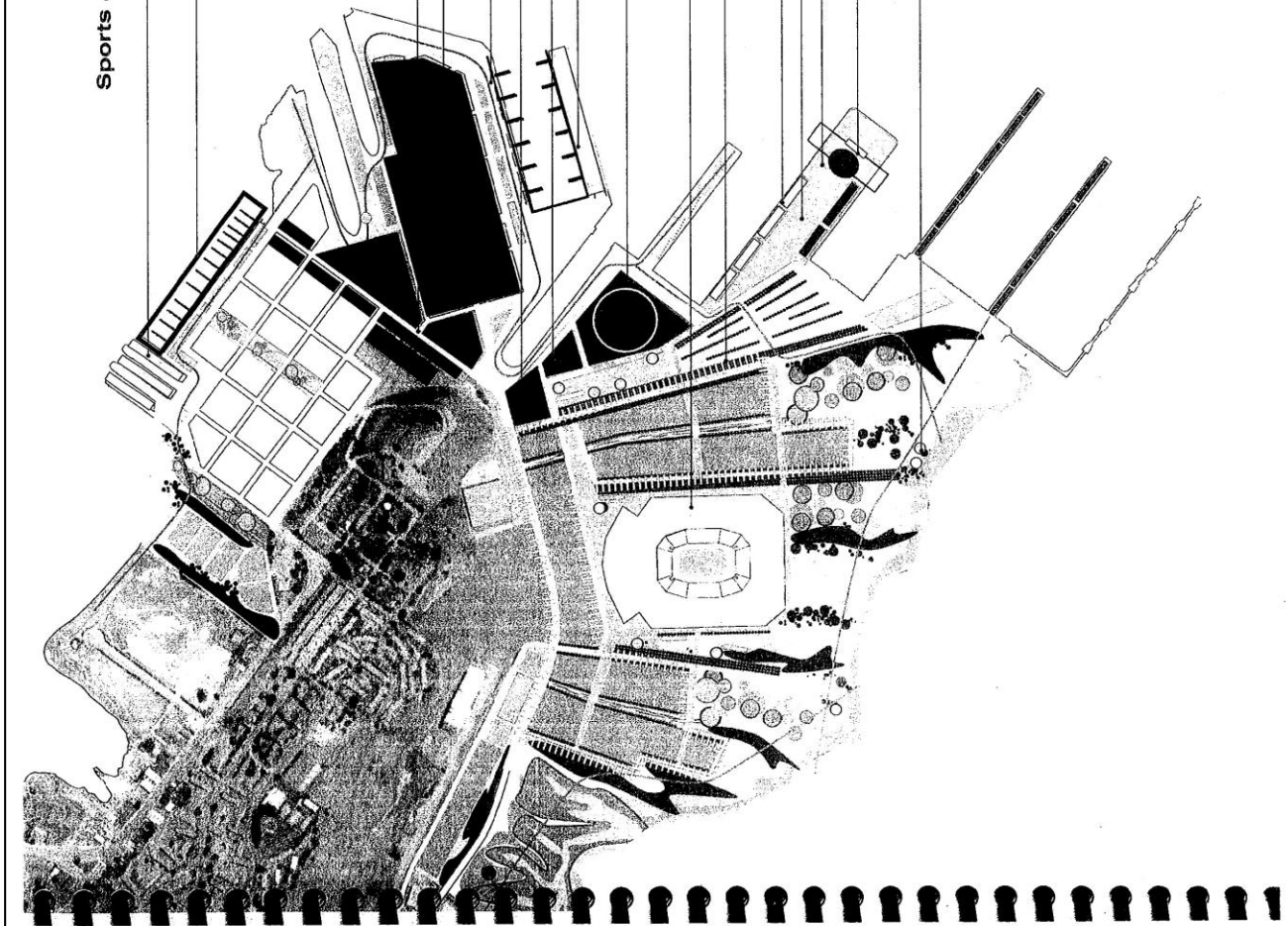


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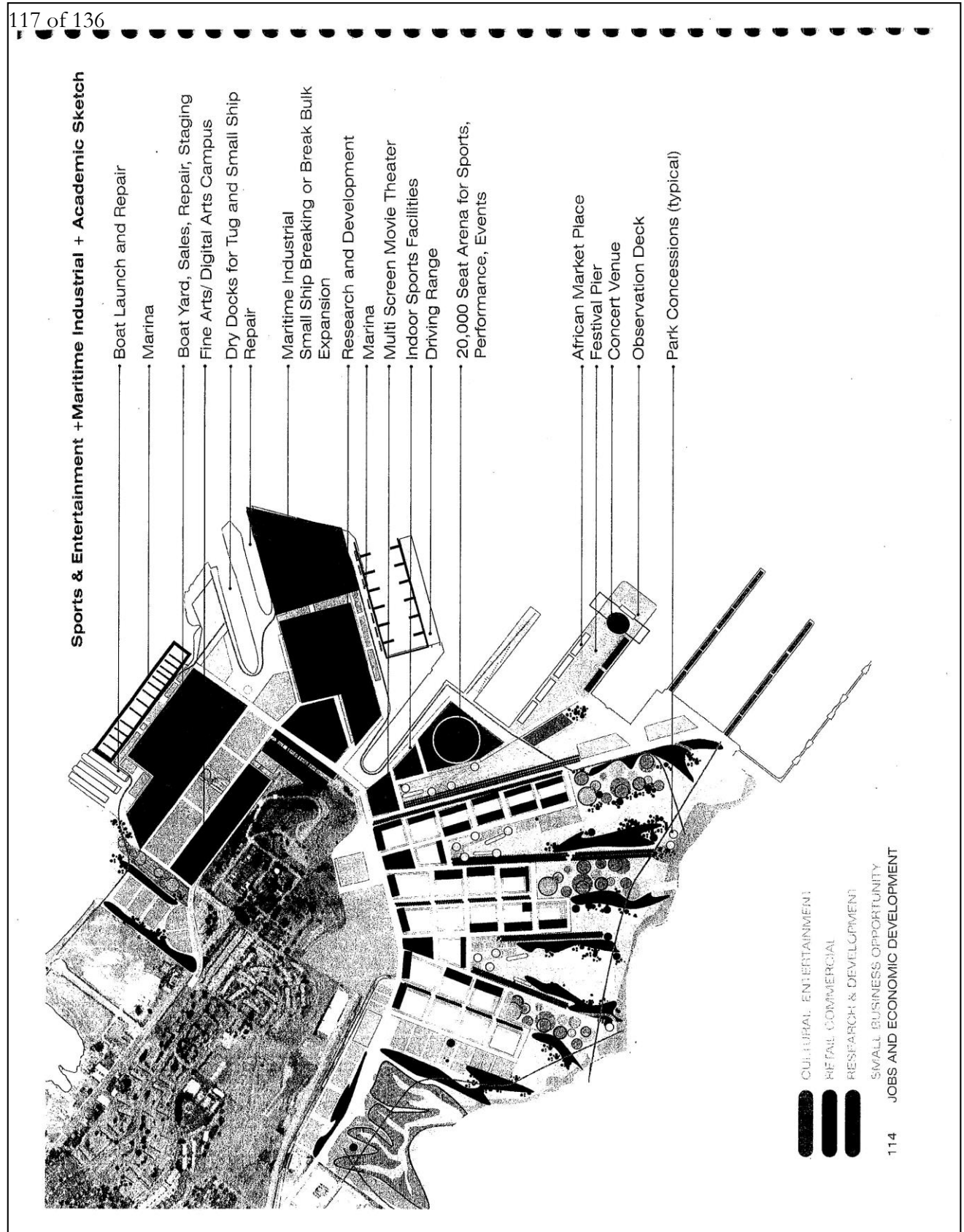
Sports & Entertainment + Research & Development Sketch

- Boat Launch and Repair
- Marina
- Arts Studios/ Arts Center/ Arts Retail Research and Development
- Marina
- Indoor Sports Facilities
- Multi Screen Movie Theater Driving Range
- 20,000 Seat Arena for Sports, Performance, Events
- Stadium on Parcel G
- Sports Park Shuttle
- African Market Place Festival Pier
- Concert Venue
- Observation Deck
- Park Concessions (typical)

JOBES AND ECONOMIC DEVELOPMENT 113

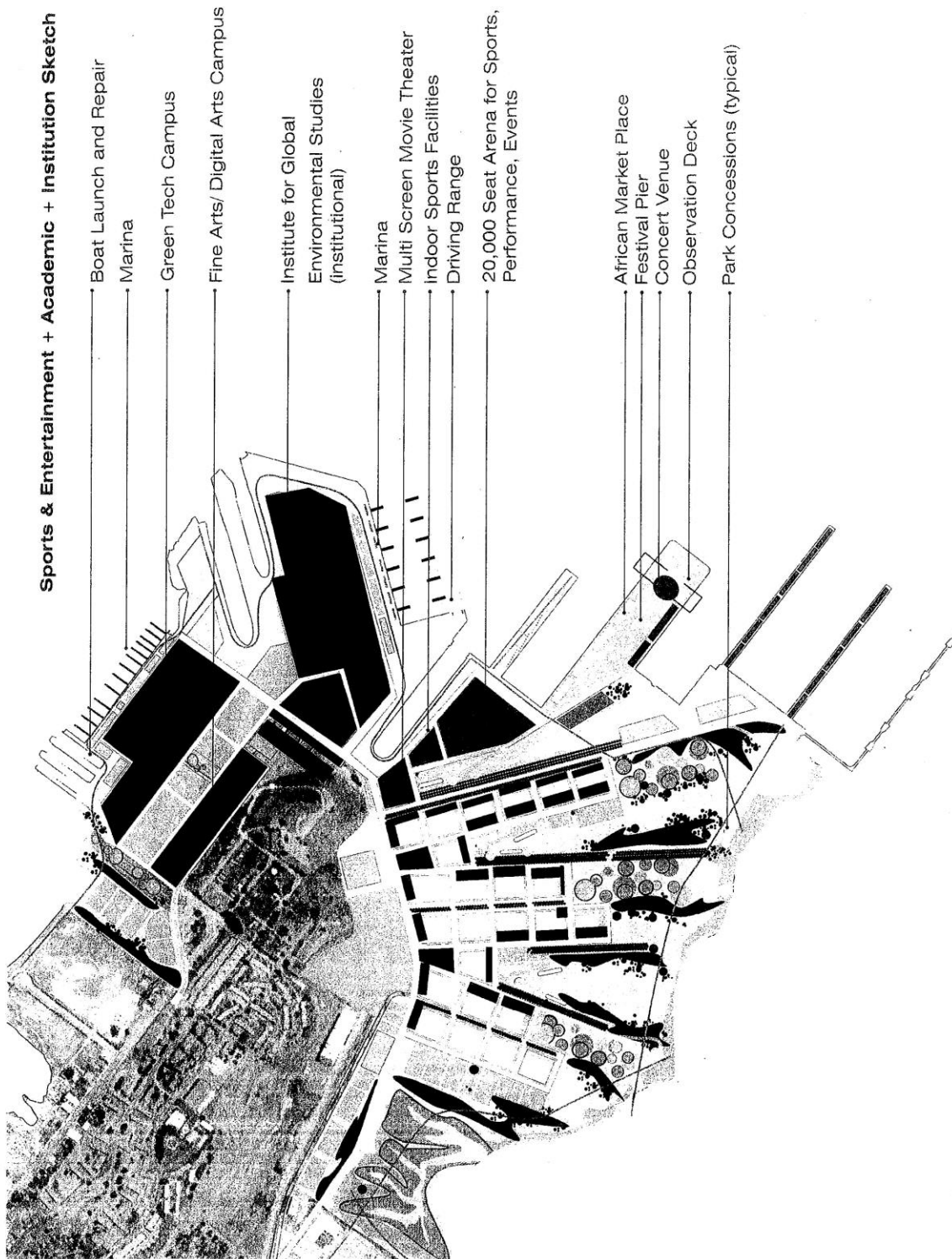


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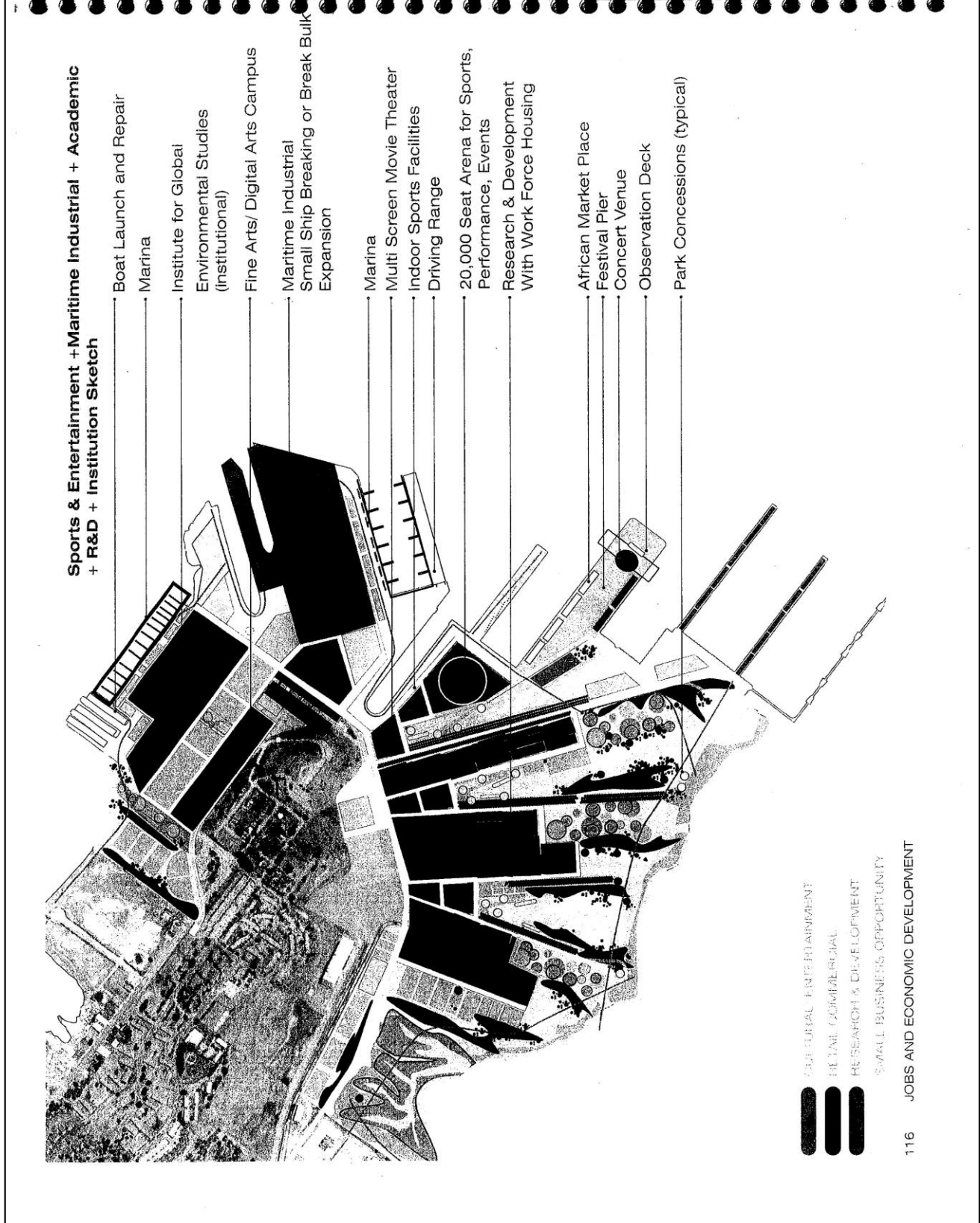
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Sports & Entertainment + Academic + Institution Sketch



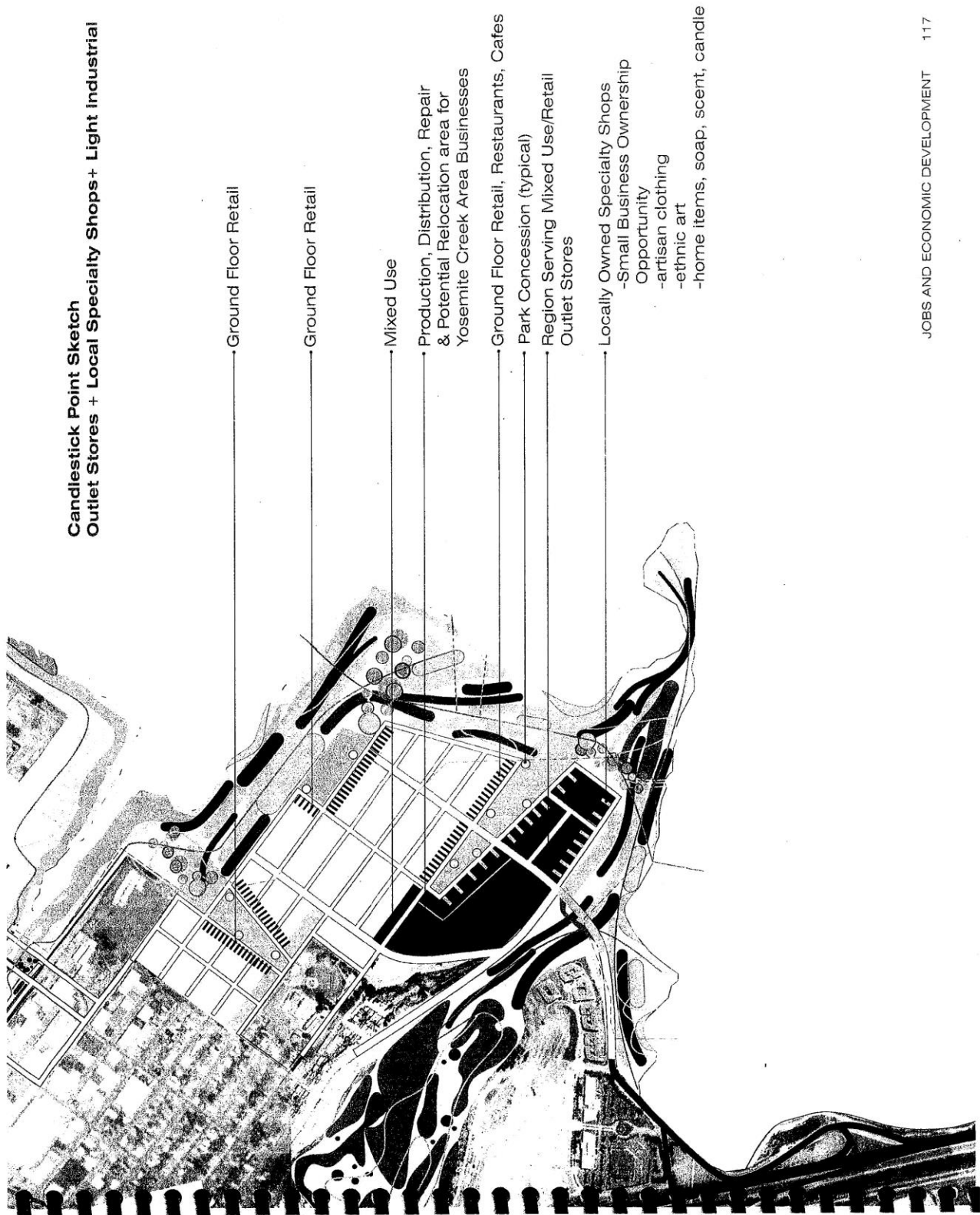
JOBS AND ECONOMIC DEVELOPMENT 115

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**Candlestick Point Sketch
Outlet Stores + Local Specialty Shops+ Light Industrial**

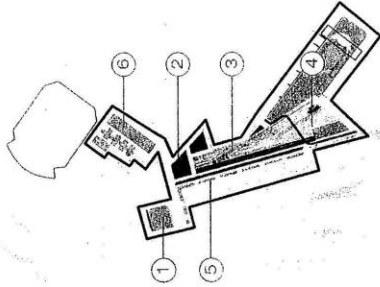


JOBS AND ECONOMIC DEVELOPMENT 117

ARTS DISTRICT

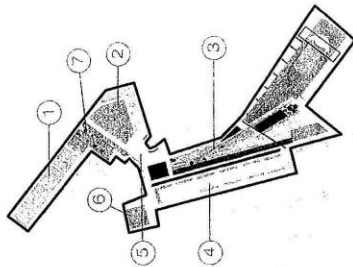
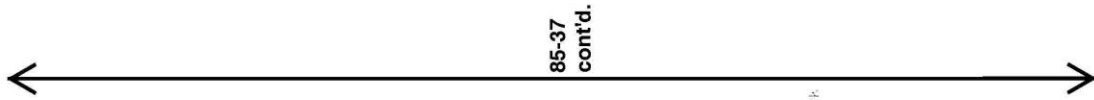
Arts and culture will play an important role in integrating the proposed development with the existing community. The Arts District has the ability to enrich adjacent and overlapping land uses. Depending on the placement of the stadium, the Arts District will vary in size, shape, and location. The following diagrams show the overlay of core elements of the Arts District—galleries, arts retail spaces, shared space for large equipment, live/work opportunities, connections to other facilities, educational programs, and preservation of Buildings 101 and 813—on each of the alternative schemes. The relationship of the Arts District to the different land use configurations results in different opportunities for arts as well as the germination of new arts-related places, activities, and businesses. For example, integrating the Arts District with the African-American Cultural Plaza or waterfront will reveal different opportunities than with the science and engineering district.

85-37
cont'd.



Stadium on Parcel B

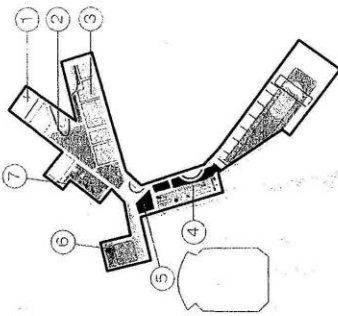
- ① ARTS PRODUCTION
 - large-scale arts
 - noisy, messy
 - observation, access
 - shared equipment
 - paved parking, truck access
- ② THEATERS
- ③ AFRICAN-AMERICAN CULTURAL PLAZA
 - shared facilities for performances, festivals, and events
- ④ ARTS PARK
 - ephemeral installations
 - permanent large-scale sculpture park
- ⑤ ARTS AND CULTURE
 - night clubs
 - music clubs
 - galleries
 - live/work
 - arts retail
- ⑥ STUDIOS



No Stadium

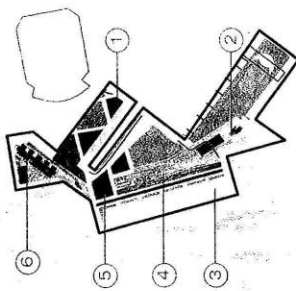
- ① ARTS CAMPUS
 - arts institution
 - studio
 - digital media
- ② ARTS AND SCIENCE ENGINEERING
 - exhibition space
 - permanent collection
- ③ ARTS AND CULTURE PLAZA
 - events, festivals, performances
 - large-scale sculpture park
 - market for arts
 - instructors
 - infrastructure for installing and moving artwork
- ④ ARTS AND CULTURE
 - night clubs
 - music clubs
 - galleries
 - live/work
 - arts retail
- ⑤ PLAZA
- ⑥ CONNECTION TO HILL
- ⑦ STUDIOS

JOBS AND ECONOMIC DEVELOPMENT 119



Stadium on Parcel G

- ① WATERFRONT EXHIBITION SPACE
 - capture blue greenway traffic
- ② ARTS AND LIVING
 - live/work
 - retail supply stores
 - frame shops
 - small studio apartments
 - artist in residence apartments
 - light installation for streetscape
- ③ ARTS AND SCIENCE ENGINEERING
 - exhibition space
 - permanent collection
- ④ ARTS AND CULTURE PLAZA
 - events, festivals, performances
 - large-scale sculpture park
 - market for arts
 - instructors
 - infrastructure for installing and moving artwork
- ⑤ THEATERS
- ⑥ ARTS PRODUCTION
 - large-scale arts
 - noisy, messy
 - observation, access
 - shared equipment
 - paved parking, truck access
- ⑦ STUDIOS



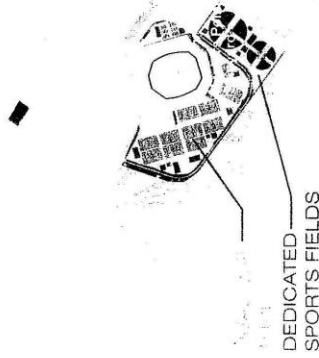
Stadium on Parcel C

- ① ARTS PRODUCTION
 - large-scale arts
 - noisy, messy
 - observation, access
 - shared equipment
 - paved parking, truck access
- ② ARTS PARK
 - ephemeral installations
 - permanent large-scale sculpture park
- ③ ARTS AND CULTURE
 - night clubs
 - music clubs
 - galleries
 - live/work
 - arts retail
- ④ AFRICAN-AMERICAN CULTURAL PLAZA
 - shared facilities for performances, festivals, and events
- ⑤ CULTURAL INSTITUTION
- ⑥ STUDIOS

SPORTS FIELDS LOCATIONS

The proposed development has the potential to provide much needed sports fields in San Francisco. The Lennar proposal provides ample area for sports fields, much of which is on dual-use turf, serving as parking for the new stadium. Consolidated around the stadium, these fields will work well for a regional complex, with the ability to host tournaments and multiple events simultaneously. However, the fields are located far from existing and proposed residential communities. The following alternatives distribute the fields to provide space not only for a large-scale regional complex, but for neighborhood use as well. Where a new stadium is part of the alternative, dual-use turf provides area for parking as well as sports fields.

85-37
cont'd.

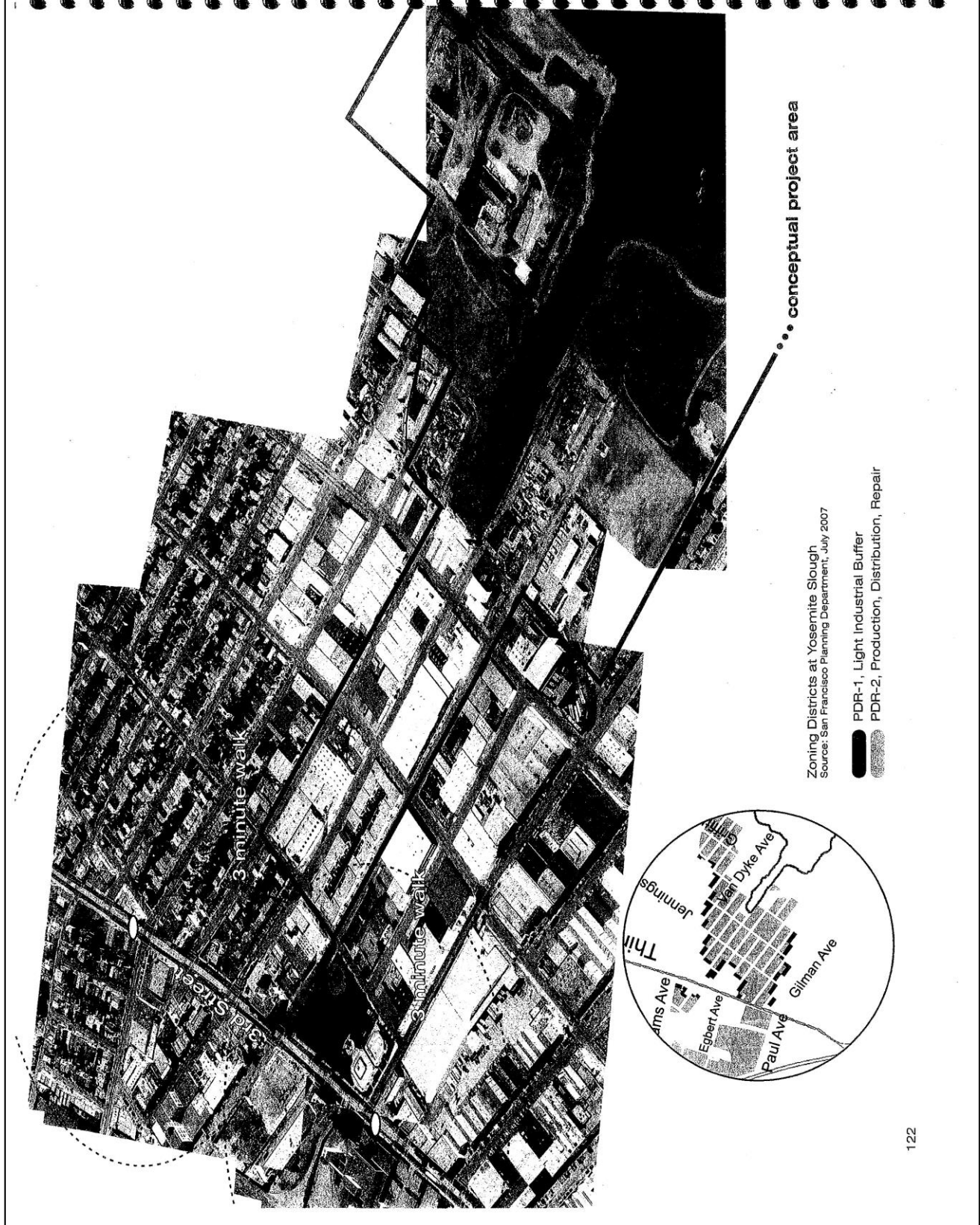


Lennar proposal

Total: 86 acres
Sports fields: 27 acres
Dual-use turf: 59 acres

AGGREGATE SIZE OF SPORTS COMPLEX	LARGE
SPORTS FIELDS CONFIGURATION	CONSOLIDATED
PARKING SHARED WITH OTHER VENUES	NO
DUAL USE TURF: REQUIRED OR OPTIONAL	REQUIRED

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LINKING THE BAY TO THIRD STREET

The vast scale and complexity of the CP/HPS project requires the broadest possible study to address the challenges and opportunities within the project area and in the adjacent community that it will so profoundly influence. Connection to the waterfront and parks, access to jobs and resources, and civic investment, and zoning are all environmental justice issues for the Bayview Community, and within the sphere of influence for a project of this scale.

85-38

For the Bayview, the careful planning of the area inland of Yosemite Slough is key to resolving many issues with the CP/HPS project, and advancing the quality and character of the community. Expanding the scope of the planning to include this pivotal area will benefit the CP/HPS project as well. It can relieve the limitations of the project boundaries, add value to existing and future neighborhoods, and chart the improved function of this part of the city. For the city at large, expanding the shoreline open space to the inner Bayview unlocks a long list of potential benefits and opportunities.

Priorities will change, obstacles will fade, and new challenges certainly will arise. But these variables are not reasons to plan in an "as needed" fashion. In fact they call for vision and clear objectives to be defined in order to guide the changing forces at play, and establish common goals, and create excitement for things to come.

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EXISTING CONDITIONS

Currently, there are four combined sewer overflow (CSO) outfalls in Yosemite Slough and South Basin. During periods of heavy rain, these discharge inadequately treated sewage and storm water runoff into the receiving waters.

POTENTIAL CONNECTIONS

Much like the Panhandle connects Golden Gate Park to the central neighborhoods of San Francisco, a linear park in the approximate location of the historic Yosemite Creek can bring the Bayview-Hunters Point communities to the waterfront. Above the concerns of any one party is the importance of creating more than a "gateway" to the CS/HPS development, but an interface between established and new parts of the city. This area calls for a bold initiative that makes connections on all possible levels. Similar to the Panhandle of Golden Gate Park, an extension of the Yosemite Slough open space, from CPSRA to Third Street has the potential to compound the influence of new investments in the city by strategically reaching more people.

WATER SYSTEMS

There are many potential opportunities to incorporate water systems within the "CPSRA Panhandle." These might include:

- constructed wetlands that discharge treated storm water into Yosemite Slough;
- swales and rain gardens that are part of a comprehensive LID (low-impact design) runoff management system;
- extension landward of the tidal wetlands of the Slough (if the required excavation depths prove feasible in the space available); and
- "daylighting" a portion of the historic creek's freshwater flows (although research is needed to determine whether this pursuit is reasonable).

85-38
cont'd.

Restoring or creating urban waterways and wetlands is part of a national trend to undo the mistakes of the last century in order to make cities more livable and sustainable places. These projects are transformative on many levels because they bring profound change, reconnect cities with natural systems, and generate economic and social benefits.

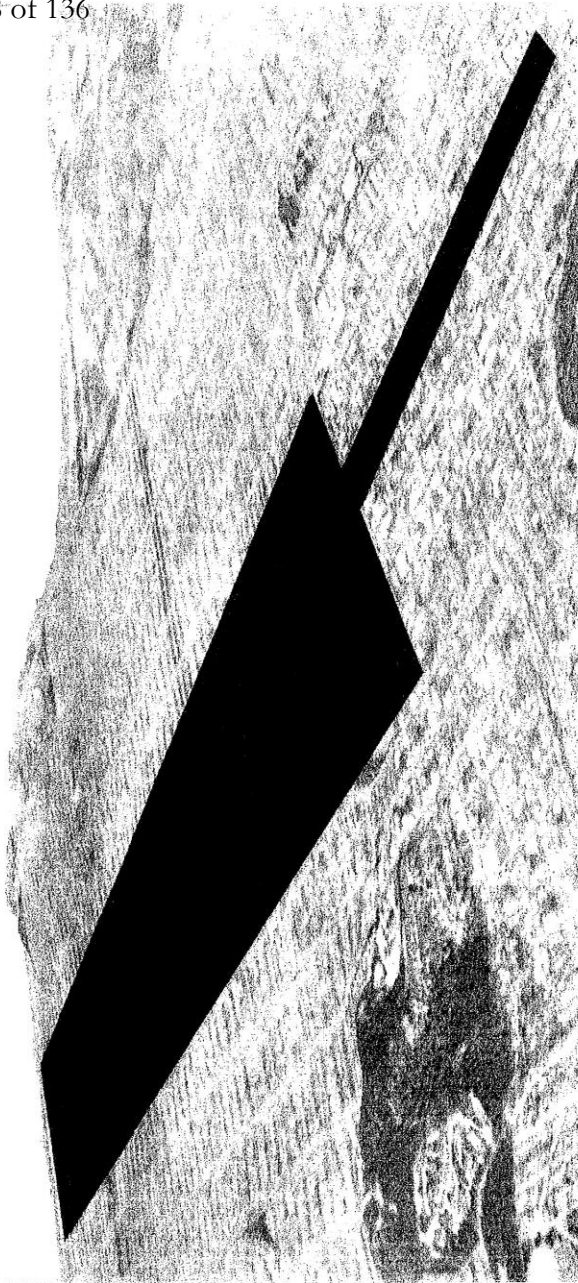
85-38
cont'd.



Yosemite Creek Watershed

An overlay of the historic creek and the present-day combined sewer infrastructure. Note the four arrows indicating sewer overflow outlets into Yosemite Slough/ San Francisco Bay. Source: Oakland Museum, Guide to San Francisco Creeks

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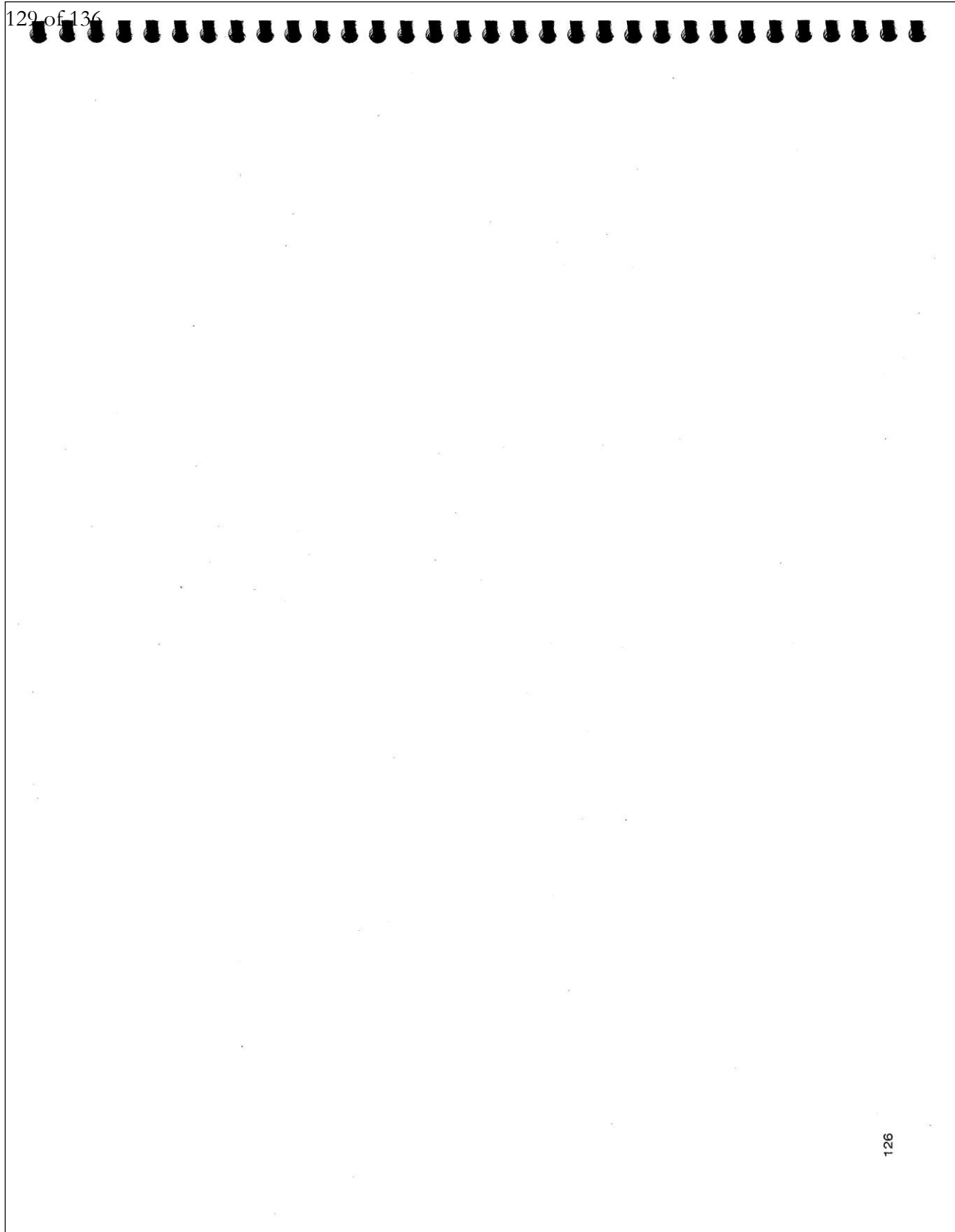
Golden Gate Park
+ Panhandle
The Panhandle
connects Golden
Gate Park to Hayes
Valley and the
Lower Haight.



Candlestick
+ Yosemite Slough
+ Hunters Point
+ India Basin
An extension of the
Yosemite Slough open
space could connect
the Bay to the Bayview.



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APPENDICES

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APPENDIX A: LINKING THE BAY TO THIRD STREET CONCEPTS

The following diagrams illustrate a few of the possibilities for an open space connection to Third Street. Each provides storm water treatment upgrades and alternative transportation routes that eliminate the desire for a bridge over the existing slough. Any scenario would provide **benefits and opportunities** to the local community and city on multiple levels.

Social

provide a source of civic pride for the Bayview connect current and new community members equalize access to open space, jobs, and resources

Urban

connect between Bay Trail, 3rd Street, light rail relocate businesses clean up polluted sites

Infrastructure

intercept combined sewer overflow (CSO) upgrade storm water infrastructure and treatment systems incorporate grade separation between park and roadways

Economic

create new park-related economic opportunities bring Bay Trail users to Bayview businesses on 3rd Street foster increased property values access to work forces

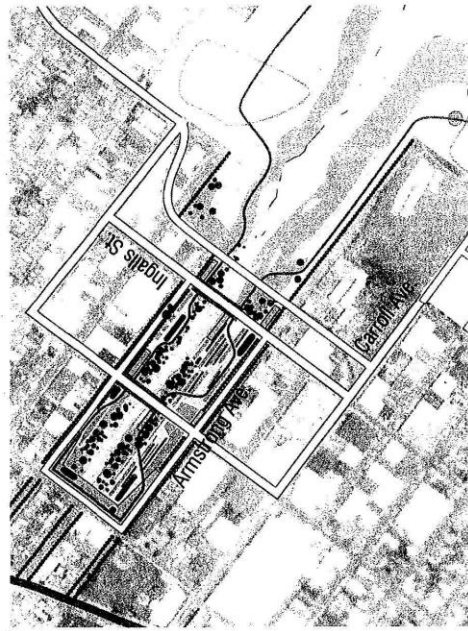
Ecological

improve water quality in the Bay treat storm water create riparian habitat improve biodiversity of open space system

Recreation

create new active recreation resources for existing community passive recreation unique to the water conditions

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Concept 1

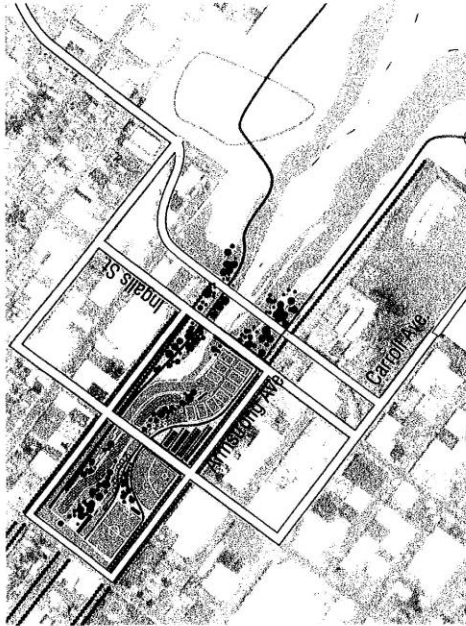
Expand Slough + Amenities + Storm water Treatment

- Dog run
- Plaza
- Playground
- Sports court
- Lighting
- Medium Constructed wetlands

85-38
cont'd.



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- Concept 3**
Recreation + Storm water Treatment
- Baseball
 - Soccer/ football
 - Hard surface courts
 - Fitness circuit
 - Adventure play areas
 - Small Constructed wetlands



- Concept 2**
Local Farm and Large Storm water Treatment System
- Food production
 - Storage Facilities
 - Distribution building
 - Irrigation water storage
 - Large Constructed wetlands

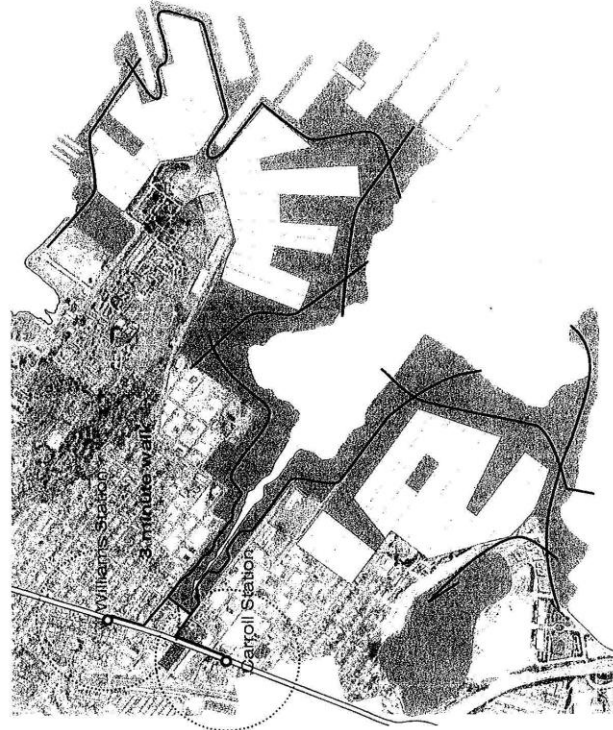
APPENDIX A: LINKING THE BAY TO THIRD STREET CONCEPTS 129



CONNECTIONS & TRANSPORTATION

Merging the new Yosemite Slough open space with the city grid can facilitate the movement of vehicles and pedestrians in a way that enhances the quality of life of the area. The Bay Trail will connect pedestrians and cyclists to 3rd Street and the MUNI stops at Williams and Carroll Avenues. The street and park system can be designed to accommodate the BRT and to meet the vehicular needs of business and residential areas without constructing a new bridge over Yosemite Slough.

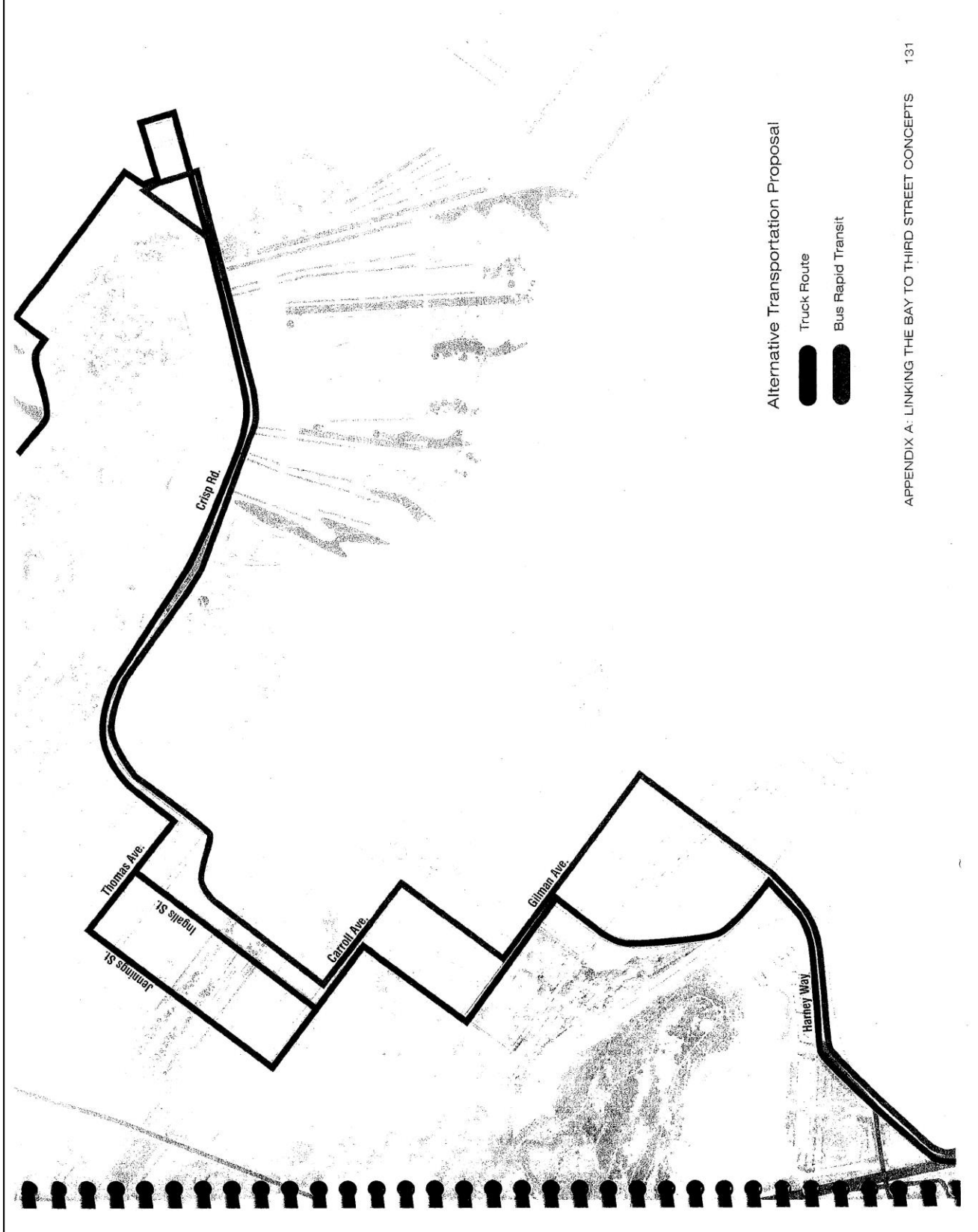
Lennar's proposed new roadway and bridge will go through state park land and over the slough, which is the ecologically fragile and active area where meets the land and creates valuable tidal marsh habitat. This zone requires seclusion from urban activity in order for it to function as a resting, feeding, and nesting site for numerous species of birds migrating via the Pacific Coast Flyway. The bridge would also pose a hazard for birds moving between the Bay and slough, and its considerable width would shade the sun-adapted marsh vegetation. A bridge here would also reduce the value of the considerable investment being made by the State Parks Foundation and CA DPR in a major ecological restoration project in and around the slough. Especially given the information (BTIP) that the bridge could save only three minutes in auto travel time, it is imperative that alternatives be studied.



Pedestrian / Bicycle network linked to transit on 3rd street

85-38
cont'd.

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APPENDIX B: PREVIOUS STUDIES

Arc Ecology's Record of Service to the Bayview-Hunters Point Community

For the past 25 years, Arc Ecology has been providing the Bayview-Hunters Point community with independent environmental, economic and planning technical support, beginning even before the creation of the Shipyard Citizens Advisory Commission, Project Area Committee, and the Restoration Advisory Board (RAB).

Arc Ecology's technical assistance to the Bayview-Hunters Point community has been in the form of studies and advocacy of informed public participation.

85-38
cont'd.

Arc Ecology has invested:

- **Twenty-five years of preparation for the redevelopment plan**
- **Over \$4 million of funding raised and spent on environmental, economic, industrial development, and community use/ aspiration studies**

85-38
cont'd.



Reports and Publications By Arc Ecology	
1983	Analysis of Infrastructure Needed to Homeport the Battleship Missouri at Hunters Point Shipyard
1986	Report on Hunters Point Shipyard Pollution
1995	Report on Ship Recycling as an Employment Generating Interim Use of Closed Navy Facilities in the Bay Area
1997	Critique of the Shipyard Redevelopment Plan, including Comments on the Environmental Impact Report and Environmental Impact Study
1999	Review of Proposal for Transit Improvements, including the Yosemite Slough Bridge
2004	Yosemite Slough Watershed Study - coauthored with ... Habitat Assessment (contractor: LSA Associates) South Basin Shipyard Candlestick Cultural Survey Sewershed Survey Watershed Mapping Water Quality Testing
2007	Storm Water Wetlands 30% Design Pollution to Parkland: Alternatives for a Waterfront Park at Hunters Park Shipyard
2008	The Economic Development Potential of a Waterfront Park at Hunters Point Shipyard
	MONITORING CLEANUP OF HUNTERS POINT SHIPYARD
1980's - present	Memberships in the Hunters Point Shipyard Restoration Advisory Board Written comments on approximately 500,000 pages of SuperFund cleanup documents
	PUBLIC PARTICIPATION ADVOCACY
1989	Arc Ecology scientist monitors cleanup of HPS (1989-current) Proposed creation of the Citizens Advisory Committee to Mayor Agnos
1990	Convinced Navy to open a public document repository for cleanup documents at the Anna E. Waden (Bayview) Branch library and at the San Francisco Main Library
1992	Sponsored First Community Meeting on New Shipyard Cleanup (at the Bayview Opera House, Sponsored by Arc Ecology, the New Bayview Committee, and KQED FM)
1993	HPS RAB Proposal

85-38
 cont'd.

■ Letter 85: Arc Ecology (1/12/10)

Response to Comment 85-1

This comment contains introductory or general background information and also reflects the commenter's opinions. This comment states that the commenter is resubmitting their Alternatives for Study document that was submitted prior to publication of the Draft EIR. As mentioned in Response to Comment 84-1, which also makes reference to the Alternatives for Study document prepared by Arc Ecology, page VI-160 of the Draft EIR affirms the receipt of the alternatives study mentioned in this comment, stating:

A number of alternatives were proposed during the planning and public scoping process for the Project. Several of these alternatives were identified by Arc Ecology, a local community organization. In January 2009, Arc Ecology published a report titled *Alternatives for Study, Draft Outline of Issues, Positions, and Alternatives for Public Comment and Further Study* (Arc Ecology Report).¹³⁵⁰

As stated on page VI-165 of the Draft EIR:

Five alternative land use plans were proposed by Arc Ecology and studied in concept for this document. They include proposals to locate the stadium on Parcels B, C, and G of HPS Phase II; one proposal with no stadium at HPS Phase II; and one alternative land use plan for Candlestick Point. ...

Each of these alternatives has been analyzed on pages VI-165 through -172 of the Draft EIR.

In summary, comments 85-2 through 85-49 were already considered during preparation of the Draft EIR given that it is the same document that was submitted as part of the NOP public review process; nonetheless, responses to these comments have been provided below in Responses to Comments 85-2 through 85-49. Comments 84-1 through 84-49 also pertain to Arc Ecology's Alternatives for Study refer to Responses to Comments 84-1 through 84-49 for the extent to which the information contained therein was addressed in the Draft EIR.

Response to Comment 85-2

This comment contains introductory or general background information and also reflects the commenter's opinions. No response is required.

Response to Comment 85-3

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 85-4

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 85-5

This comment primarily contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

With respect to the Arc Ecology alternatives, they were evaluated in the Draft EIR, as further described in Response to Comment 85-1.

Also, in terms of the planning process for the Project, Section I.B (History of the Planning Process), presented on pages I-1 through I-6 of the Draft EIR, describes a planning process that has occurred over three decades and has included hundreds of community meetings and other forms of public outreach. More specifically, in the recent past, between February 2007 and the date of publication of this document, there have been approximately 236 public meetings addressing this Project, including, but not necessarily limited to, meetings with the Bayview Hunters Point Project Area Committee (and its various subcommittees or working groups); the Mayor's Hunters Point Shipyard Citizen's Advisory Committee (and its various subcommittees or working groups); the Agency; the City and County of San Francisco Board of Supervisors (including its various committees or Departments); the Bayview Transportation Improvement Project Committee; the Alice Griffith Tenants Association Meeting; the Parks, Recreation, and Open Space Advisory Committee; Shipyard Artists; Sierra Club; Little Hollywood, Executive Park, and Visitation Valley Planning Association; Morgan Heights Homeowners Association; India Basin Neighborhood Association; Bayview Hill Neighborhood Association; San Francisco Housing Action Coalition; and BCDC Design Review.

Beyond the meetings that have already occurred, there are numerous additional meetings planned during the upcoming entitlement process (estimated to conclude by the summer of 2010), which will include, but is necessarily limited to, the following:

- Community discussion of Community Benefits Plan, Below Market Rate Housing Plan, Design for Development, Redevelopment Plan Amendments, Open Space Plan and Disposition and Development Agreement, and other related Project documents with the PAC/CAC, Agency Commission, Planning Commission, SFMTA Commission, and the Board of Supervisors (full and relevant subcommittees)
- PAC/CAC recommendation to adopt/approve Disposition and Development Agreement and related documents (Community Benefits Plan, Below Market Rate Housing Plan, Design for Development, Redevelopment Plan Amendments, Open Space Plan and Disposition and Development Agreement)
- Joint Agency Commission/Planning Commission Hearing
- Certification of the EIR and other Project Documents
- Final Approvals with the Agency Commission, Planning Commission, and Board of Supervisors (full and relevant subcommittees)

Response to Comment 85-6

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 85-7

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 85-8

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 85-9

This comment contains general information (a partial list of wildlife species observed at CPSRA) and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR.

Response to Comment 85-10

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. The comment will be forwarded to the decision makers for their consideration prior to approval or denial of the Project.

Response to Comment 85-11

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 85-12

The City considered numerous alternative locations for siting the stadium, as described in Chapter VI (Alternatives) of the Draft EIR. Commenter is incorrect in stating that the decision to locate a new 49ers stadium was made in the wake of the 49ers decision to move to Santa Clara, implying that the decision was not well thought out. As noted, beginning on page VI-160 of the Draft EIR, alternatives considered, but eliminated from further analysis in the Draft EIR, were evaluated in concept, but were eliminated for one or more factors, including (1) they did not reduce significant environmental effects; (2) they did not achieve most of the basic Project objectives; and/or (3) they were not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. Alternate locations considered included City of Brisbane or Port of San Francisco sites, as well as locations elsewhere within and outside the City of San Francisco. Several pages of the Draft EIR are devoted to an analysis of the reasons for rejecting these alternative sites (refer to Draft EIR pages VI-161 through -170). The City has carefully and thoughtfully examined possible locations for the new 49ers stadium, and has reasonably chosen a feasible option based on a number of complex economic, social, and technological factors.

Response to Comment 85-13

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 85-14

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 85-15

The comment is acknowledged. This comment suggests that the Project does not define ecological objectives, and that the Project represents an opportunity for “bottom-up” ecological planning in which enhancement of biodiversity is the starting point for subsequent design and planning. Though it incorporates a variety of ecological enhancements, the Project is primarily a redevelopment project, and incorporation of ecological enhancements has occurred during the planning process together with a variety of other important policy and planning concerns, including job creation, affordable housing, and other concerns.

Response to Comment 85-16

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR.

Response to Comment 85-17

Refer to Response to Comment 85-12 regarding the numerous alternative locations that the City considered for siting the stadium, as described in Chapter VI (Alternatives) of the EIR, including alternatives that were considered and evaluated in concept, but eliminated from further analysis due to one or more factors.

Response to Comment 85-18

The proposed improvements to CPSRA would provide substantial areas of restored habitat, as discussed in the Draft EIR on pages III.P-19 to -26. The precise acreage and location of the habitat will be determined through the CPSRA General Plan Amendment process.

Response to Comment 85-19

Refer to Master Response 11 (Parcel E-2 Landfill) regarding conditions at the Parcel E-2 landfill, and Master Response 15 (Proposition P and the Precautionary Principle) for a discussion of how Proposition P and the Precautionary Principle relate to the remediation program and the project.

Response to Comment 85-20

Refer to Response to Comment 39-3 with regard to representation of African-American, Asian-American, and Native American communities as part of the Project.

Response to Comment 85-21

As discussed in Section III.P (Recreation) and in Response to Comment 47-28, the proposed reconfiguration would substantially improve CPSRA and thus advance the goals of the State Park System. The reconfiguration would not add land to CPSRA on Hunters Point, and, as explained in the discussion of “The Neck” on Draft EIR page III.P-19, it would increase the width of the park at what is currently its narrowest point.

Refer to Impact BI-20, beginning on Draft EIR page III.N-108, for discussion of wildlife movement.

Response to Comment 85-22

The comment proposes a study of expanding Yosemite Slough and creating connections to Third Street and its Muni stops. It is unclear what specific suggestions the comment is proposing; however, the Project does include improved connections to Third Street for bicycles, pedestrians, and transit vehicles and the Draft EIR also includes evaluation of an alternative (Alternative 2) that would not include a new bridge over Yosemite Slough.

Response to Comment 85-23

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 85-24

The commenter's assumptions in developing planning alternatives included the removal of the landfill on Parcel E2 of HPS and construction of a treatment wetland in its place. Whether the landfill is removed is subject to the Navy's decisions regarding the approach to remediation on HPS.

Response to Comment 85-25

The comment is noted. The Project does not propose any actions within Yosemite Slough itself, other than the proposed bridge. Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the need for the proposed bridge.

Response to Comment 85-26

This comment contains general background information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 85-27

Refer to Response to Comment 85-18 for a discussion of habitat restoration within CPSRA. The Project would create continuous open space around the entire shoreline of Candlestick Point and Hunters Point.

Response to Comment 85-28

This comment consists of general information regarding CPSRA and the commenter's opinion regarding opportunities, constraints, and recommendations regarding potential development in this part of the Project. It is not a direct comment on environmental issues or the content or adequacy of the Draft EIR.

Response to Comment 85-29

This comment represents the commenter's opinion regarding what the ecological objectives of planning for the CP/HPS Project should be. This comment suggests that the Project improve existing habitat "by capitalizing on the site's topography, hydrology, and potential connections to nearby habitats." The Project incorporates a number of ecological enhancement measures, as outlined in the Draft Parks, Open Space,

and Habitat Concept Plan provided in Appendix N3 of the Draft EIR. These enhancements were developed while taking the site's existing biological resources and physical conditions into account.

As discussed in Responses to Comments 47-5, 47-20, and 47-26 through 47-30, and Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]), the Yosemite Slough bridge will not have a significant impact on the slough's recreational, aesthetic, or biological resources.

Response to Comment 85-30

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 85-31

These ideas were addressed in Chapter VI (Alternatives) (pages VI-160 through -164). Page VI-163 states:

The Brisbane Baylands locations are not considered feasible sites for the 49ers stadium for the following reasons:

- The Baylands Specific Plan, although not yet formally adopted, does not include a stadium as an allowed use in either the northern or southern portions of the site. Both sites are designated for commercial, office, institutional, and industrial uses. While planning considerations in a particular jurisdiction can evolve over time, it is expected that the range of uses identified in the Phase I Specific Plan reflect Brisbane's long-term planning goals for the Brisbane Baylands, which plans do not include developing a professional football stadium.
- The Brisbane sites are outside of the City and County of San Francisco. Planning review and approval of a stadium in Brisbane Baylands would be subject to City of Brisbane jurisdiction. Neither the San Francisco Redevelopment Agency (Agency), the City and County of San Francisco, nor Lennar Urban would reasonably be able to acquire, control, or otherwise have access to a Brisbane site for the purpose of pursuing such alternative locations. Thus, the Brisbane Baylands sites were determined to be infeasible for development of the stadium, and were rejected from further consideration in the EIR.

The Port locations are not considered feasible sites for the 49ers stadium for the following reasons:

- A stadium would displace maritime-dependent cargo handling and industrial uses not available or feasible elsewhere in San Francisco.
- Sports facilities are not allowable uses at either site under the Waterfront Land Use Plan.
- A stadium use at either site would be subject to approval by voters at a public election.

Thus, the Port sites were determined to be infeasible for development of the stadium and were rejected from further consideration in the EIR.

Response to Comment 85-32

Refer to Response to Comment 85-12 regarding the numerous alternative locations that the City considered for siting the stadium, as described in Chapter VI (Alternatives) of the EIR, including alternatives that were considered and evaluated in concept, but eliminated from further analysis due to one or more factors.

Response to Comment 85-33

This idea was addressed in Chapter VI (Alternatives) (pages VI-168 through -169). Page VI-170 states:

With an assumed development of the same magnitude as the Project, construction and operational impacts are generally similar. As this alternative is not substantially different from a Project Variant, it was rejected from further consideration in this EIR.

Response to Comment 85-34

These ideas were addressed in Chapter VI (Alternatives) on page VI-170 of the Draft EIR:

The Arc Ecology report identified additional alternative land uses and concepts for development at Candlestick Point, HPS Phase II, and improvements to areas outside of the Project site. Table VI-11 (Summary of Arc Ecology Land Uses and Concepts for Candlestick Point and HPS Phase II) outlines those concepts and includes a comparison to Project features and impacts. To the extent that these are duplicative of Project or Alternative components, impacts associated with these concepts are analyzed in Chapter III or this Chapter VI. Reasons for rejecting other concepts are explained below.

These ideas were also addressed in Table VI-11 on pages VI-170 through -172.

Response to Comment 85-35

This comment contains opinion, anecdotal, or general information and is not a direct comment on environmental issues or the content or adequacy of the Draft EIR. No response is required.

Response to Comment 85-36

These comments identify three scenarios: sports and entertainment, boat yard/small craft repair/small ship breaking, and academic/institutional. For these scenarios, the key concepts are addressed in the Draft EIR on pages VI-165 to -170, and in Table VI-11 (Summary of Arc Ecology Land Uses and Concepts for Candlestick Point and HPS Phase II) in Chapter VI (Alternatives), pages VI-170 through -172. In general, these scenarios do not provide alternatives that have not been previously evaluated, or that result in fewer impacts than those identified for the Project, Variants, or Alternatives.

Response to Comment 85-37

Refer to Response to Comment 85-12 regarding the numerous alternative locations that the City considered for siting the stadium, as described in Chapter VI (Alternatives) of the EIR, including alternatives that were considered and evaluated in concept, but eliminated from further analysis due to one or more factors.

Refer to Response to Comment 85-36 regarding alternative scenarios.

Response to Comment 85-38

The key concepts outlined here are addressed in the Draft EIR on pages VI-167 to -169, and in Table VI-11 (Summary of Arc Ecology Land Uses and Concepts for Candlestick Point and HPS Phase II) in Chapter VI (Alternatives), pages VI-170 through -172.


The Arc Ecology report identified additional alternative land uses and concepts for development at Candlestick Point, HPS Phase II, and improvements to areas outside of the Project site. Table VI-11 (Summary of Arc Ecology Land Uses and Concepts for Candlestick Point and HPS Phase II) outlines those concepts and includes a comparison to Project features and impacts. To the extent that these are duplicative of Project or Alternative components, impacts associated with these concepts are analyzed in Chapter III or this Chapter VI. Reasons for rejecting other concepts are explained below.

In general, these scenarios, or combinations of key concepts, do not provide new alternatives that are outside the range of alternatives that have been previously evaluated, or that would result in fewer impacts than those identified for the Project, Variants, or Alternatives.

The remainder of this letter contains background material, and does not require a response.

■ Letter 86: California State Parks (1/12/10)

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Letter 86

Fax Transmittal

To: San Francisco Redevelopment Agency
Fax: 415.794.2585

From: Dan Ray, California State Parks
Phone: 916.651.0305

Subject: Candlestick Point – Hunters Point Shipyard Phase II DEIR (SCH# 2007.0946E)

Total pages including this sheet: 17

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State of California - Natural Resources Agency

Arnold Schwarzenegger, Governor

DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-001

Ruth Coleman, Director

January 12, 2010

San Francisco Redevelopment Agency
One South Van Ness Avenue, Fifth Floor
San Francisco CA 94103

City and County of San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

**RE: Candlestick Point – Hunters Point Shipyard Phase II DEIR
(SCH # 2007.0946E)**

Thank you for the opportunity to comment on the Candlestick Point – Hunters Point Shipyard Phase II DEIR. California State Parks is pleased to join with the Redevelopment Agency and the City in their ambitious effort to redevelop Candlestick Point and the Hunters Point Shipyard. We appreciate this opportunity to comment on the Candlestick Point – Hunters Point Shipyard Phase II DEIR.

Candlestick Point State Recreation Area (SRA) was California State Parks' first urban park, acquired over 30-years ago to protect San Francisco Bay's shoreline and provide Californians with a dramatic open space resource. Over the succeeding decades, however, our agency's resources have often been insufficient to fulfill our goals for this State Park, and many of our plans remain unrealized. The opportunity to revitalize the SRA in conjunction with redevelopment of the surrounding neighborhoods aligns well with the Department's commitment to meeting urban residents' outdoor recreation needs and protecting the bay's shoreline.

Because of California State Parks' responsibility as stewards of Candlestick Point SRA and our duties under SB 792 (Leno), Chapter 203, Statutes of 2009, the statute authorizing transfer of part of the SRA for the redevelopment project, we have reviewed this EIR carefully. As the EIR reports, many aspects of the project offer opportunities to improve both the SRA and surrounding neighborhoods. We welcome the redevelopment project's promise of new investment in the SRA's recreation facilities, improved access to the park with upgraded public transit, bayshore trails and roads, and retail and residential development that complement the recreation area. Nevertheless, we remain concerned about several aspects of the project, especially the protection of Yosemite Slough, the impacts of tall residential towers on recreation in adjoining State Parklands, the management of stormwater discharging from the redevelopment area to the SRA's bayshore, the impacts of stadium visitors on the SRA, and the potential for the project to induce changes in the use of lands adjoining the SRA at Yosemite Slough. Our concerns about these aspects of the project and other detailed comments on the project's EIR are attached.

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California State Parks looks forward to cooperating with the Redevelopment Agency and the City as they finalize the EIR in response to these and other comments. Steve Musillami of our Planning Division is available to answer any questions you may have about these comments or others that affect the SRA. You may contact him at (916) 653-6501.

Sincerely,



Dan Ray
Chief – Planning Division

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California State Parks

Comments: Candlestick Point – Hunters Point Shipyard Phase II DEIR
(SCH # 2007.0946E)

General Note: **Yosemite Slough;** Yosemite Slough should be recognized as an integral and valuable component of Candlestick Point SRA. Throughout the EIR, the values of the restored Yosemite Slough should be described, impacts to these values should be evaluated, and alternatives or mitigation measures to avoid or lessen significant impacts should be proposed. This comment applies to all sections of the EIR where impacts to areas surrounding Yosemite Slough are noted and the restoration project area is depicted.

86-1

A. Air Quality Because construction of the project will extend over many years, California State Parks is concerned about the affects on Candlestick Point SRA visitors and staff from the cumulative affects of construction-related emissions together with existing nearby air pollution sources, such as US101 and the San Francisco airport. Because these impacts are difficult to model accurately, we recommend monitoring of air quality during construction and developing a process for notifying State Parks of unhealthy conditions that may affect its staff or visitors.

Comment A.1 Chapter III.H, Pages 16-17, Paragraph 4; Appendix N3, Page 7 of 29, Paragraphs 1 through 7; Appendix N3, Page 11 of 36, Paragraph 3. To adequately monitor construction-period air quality impacts to Candlestick Point SRA, which will remain open throughout the construction period, we recommend installing two BAM 1020 devices to monitor air quality within and adjoining the SRA. Special concerns include monitoring levels of DPM exposure (Chapter III.H, Page 24, Paragraph 3), and levels of CP, ROG, NOx, PM 2.5 and PM 10 (Chapter III.H, Page 38, Paragraph 3).

Comment A.2 Chapter III.H, Page 25, Paragraphs 1 through 4; Chapter III.H, Page 28, Paragraph 2; Appendix H3, Page 28 of 36, Paragraph 3; Appendix H3, Page 7 of 19, Section 2.3.2; Appendix H3, Page 15 of 19, Paragraph 1. We recommend that US EPA Tier 2 monitoring results be made available to California State Parks and that a system be established to notify Candlestick Point SRA staff in the event DPM levels or BAAQMD CEQA threshold levels of 10 in one million are exceeded so park staff can make the visiting public aware of any health related concerns (asthmatics, the young and elderly etc.).

Comment A.3 Chapter III.H, Page 30, Paragraph 1. It is unclear if Candlestick Point SRA visitors were included as receptors. Recommend including Candlestick Point SRA visitors as receptors and analyze this as part of this section. Candlestick Point SRA visitors are within the immediate project location and need to be included as part of the air quality impact assessments, as a significant number of park visitors use the park daily and have been doing so for a very long period of time. If operation will violate BAAQMD CEQA significance thresholds, air quality monitoring and a notification system as recommended should be proposed.

Comment A.4 Chapter III.H, Page 35, Paragraph 3. The localized impact of vehicle emissions from game day visitors' travel across the Yosemite Slough bridge should be described to assess whether SFDPH thresholds could be exceeded at this location during

California State Parks
Comments: Candlestick Point – Hunters Point Shipyard Phase II DEIR (SCH # 2007.0946E)

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game days. A special concern comes from the combination of tour buses, BRT traffic, and other vehicles that will be concentrated at the bridge during peak stadium use periods and because Yosemite Slough is a potential sink where vehicle emissions may concentrate and affect park visitors, users of the Bay Trail, and wildlife.

Comment A.5 Appendix H3, Table 4-3. Because winds can move dust to Candlestick Point SRA and expose park visitors and staff to increased levels of dust, we recommend continually monitoring road dust on site and that a watering system be in place to limit dust migration from construction areas into the SRA. We recommend that the roads/construction areas be watered as needed, which could be more than the three times per day schedule depicted in Table 4-3.

Comment A.6 Appendix H3, Figure 3-1a. Why does the off site receptor areas stop at the boundary between Hunters Point Shipyard and Candlestick Point SRA? Candlestick Point SRA should be included as an off site receptor area as winds and pollutants do not recognize boundaries. Will there be no TAC sources with future work within Parcels E and E2? If TAC sources are later identified within Parcels E and E2, please notify the SRA.

B. Building Mass and Location California State Parks remains concerned about the siting of tall residential towers adjacent to Candlestick Point SRA, where they may affect recreation by casting shadows on recreation sites and facilities, altering winds that support windsurfing or that hinder other outdoor recreation activities, or marring the SRA's scenic bayshore setting. We prefer alternatives that set tall towers as far back as possible from SRA's boundary, minimize impacts of shade and wind at the SRA, and protect views from the SRA toward Bayview Hill. We look forward to working with the Redevelopment Agency and City exploring alternatives that avoid these adverse effects where feasible and lessen those that cannot be avoided.

Comment B.1 Chapter II, Figure II-5, Towers directly adjacent to the Candlestick Point SRA boundary impact the park and its visitors including shadows, wind, and intrusion on the SRA's visual setting. Park visitors may find the proposed towers out of scale with the SRA's open, low-rise features and facilities, hindering visitors' enjoyment of the park's recreation opportunities. These impacts deserve more careful attention in the EIR.

Studies of the shadows that the proposed residential towers will cast across the SRA need to be enhanced. We suggest the shade studies at the SRA should be revised to include periods from one hour after sunrise until one hour before sunset, as would be required for city parks under the city's Planning Code Section 295. The standards of Planning Code Section 295 seem equally well suited to assessing the significance of shadows cast on the SRA and City-owned parks, as visitors enjoy many similar outdoor recreation activities in both settings.

Comment B.2 Chapter III.B, Page 39, Paragraph 3-5. As described above, we believe there will be impacts resulting from locating towers adjacent to the Candlestick Point SRA's boundary and at sites that alter the view from the SRA toward Bayview Hill. The last sentence in paragraph 5 should be revised to recognize these changes in the built environment and their impact to the SRA.

Comment B.3 Chapter III.E, Page 60, View 11. We believe that locating towers adjacent to Candlestick Point SRA's boundary and at sites that alter the view from the SRA toward Bayview Hill substantially alter the existing visual character or quality of the site and its

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86-2

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surroundings (see Criterion E.c). To mitigate this impact, we recommend setting tall towers as far back as possible from SRA's boundary and relocating the two towers that obscure the view of Bayview Hill to Candlestick Point North.

Comment B.4 Chapter III.G, Page 7, Paragraph 2. Where buildings over 60-feet must be located adjacent to the Candlestick Point SRA's boundary, California State Parks should be included in the review of building designs and locations to allow it an opportunity for comment on wind and shadow impacts. This mitigation measure should apply to all variants of the project.

C. Hazardous Substances Because Candlestick Point SRA is composed of landfill that California State Parks acquired prior to contemporary standards for site investigation and due diligence, we know little about hazardous materials that could be unearthed by excavation or grading there. Mitigation measures should be described to guard against the mobilization of undisclosed hazardous materials during project construction and to notify California State Parks of risks created through excavations near the SRA.

In addition, the EIR should be clear that California State Parks has no interest in accepting title to any lands within Hunters Point Shipyard. Measures should be described to safeguard against the mobilization of contaminants there that could affect Yosemite Slough or the SRA's bayshore.

Comment C.1 Chapter II.E, Page 54, Paragraph 2. Add language that no Hunters Point Shipyard soils shall be used for grading adjustments within CPSRA.

Comment C.2 Chapter III.K, Page 6, Paragraph 1. Lennar is currently conducting soils analysis from drilling test locations within CPSRA. When these analyses are complete, please send copies of soils analysis reports to California State Parks for its staff to review.

Comment C.3 Chapter III.K, Page 7, Paragraph 1. This section should describe the contingency measures that will be implemented if chemical hot spots are located that may expose Candlestick Point SRA staff or visitors to PAH, PCBs, chlorinated pesticides, or hazardous metals.

Comment C.4 Chapter III.K, Page 29, Paragraph 4. The DEIR should explain the measures that will be used to monitor for any movement of contaminated ground water at the Hunters Point Shipyard during the project construction period. This could safeguard against the risk of remobilizing toxic plumes that could move hazardous materials to the bayshore within or adjacent to the SRA.

Comment C.5 Chapter III.K, Page 54, MM HZ-1a. This section should include a site mitigation/contingency planning effort that would be implemented in the event development activity within the SRA indicates a hazardous material release. California State Park staff should be immediately notified in the event of any material release. California State Parks anticipates that compliance with Article 22A will apply for activity to be conducted on SRA lands and be integrated, as a requirement, into relevant agreements between the Redevelopment Agency or City and California State Parks.

Comment C.6 Chapter III.K, Page 63, Paragraph 1. In the event unanticipated contaminants are uncovered or mobilized during construction, what assurances or other

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86-3

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measures will be implemented to prevent utility lines and other subsurface improvements from becoming conduits that convey toxics into or through the SRA?

Comment C.7 Chapter III.K, Page 67, Paragraph 1. It is unclear as to what specific BMPs will be implemented as part of the Storm Water Pollution Prevention Plan for Candlestick Point and the Hunters Point Shipyard to assure that storm water runoff does not convey or otherwise transfer contaminants through the SRA or to its shoreline. Please clarify what measures will be implemented.

Comment C.8 Chapter III.K, Page 67, Paragraph 3. If the project poses a health risk to workers at Candlestick Point or the Hunters Point Shipyard that could potentially harm Candlestick Point SRA staff or visitors, California State Parks should be notified. Because the SRA is within close proximity of the project, there should be a notification process in place to alert adjoining properties of any potential risks to human health, including immediate notification of significant hazards so that park staff can post warnings or notify the public.

Comment C.9 Chapter III.K, Page 77, Paragraph 4-6. In the event radiological exposure is determined to be high during bridge construction activity California State Park staff should be notified of any such findings.

Comment C.10 Chapter III.K, Page 79, Paragraph 1. Because it is unclear if the bridge pilings could penetrate through bay mud and redirect or intersect adjacent or underlying contaminated soils or ground water, soil studies should be conducted prior to initiating construction to investigate whether bridge pilings could redirect nearby radiologically contaminated groundwater toward Yosemite Slough. If such contamination has the potential to occur as a direct result of bridge piling construction, action to remediate any new contamination that results from bridge piling construction activities/improvements should be required.

If feasible, the bridge construction should be coordinated with EPA efforts to remove or contain Yosemite Slough's contaminated bay mud.

Comment C.11 Chapter III.K, Page 81, Paragraph 1-4. What monitoring will be proposed to safeguard against the potential for toxic redistribution during construction at and near the Hunters Point Shipyard shoreline's Parcels E and Comment C.12 California State Parks is concerned that construction here could pose a risk to adjacent Candlestick Point SRA lands either through redistribution of underlying toxics or through an intersection or redirection of contaminated ground water. Please identify what measures will be in place to assure these types of scenarios are avoided during construction activities. Recommend adding a discussion of how avoidance measures will be implemented.

Comment C.13 Chapter III.K, Page 98, Paragraph 3. In the event a dust plume of asbestos should occur, California State Parks staff should be notified immediately if the plume has the potential to move onto Candlestick Point SRA lands, so that they can notify or warn the public of such impending plumes/exposure.

Comment C.14 Chapter III.K, Page 106, Paragraph 18. This section does not address emissions within Candlestick Point SRA. Recommend adding a section describing the SRA, which is within 100 – 1000 feet of the project area.

86-3
cont'd.

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D. Infrastructure

Comment D.1 Chapter II.E, Page 46, Paragraph 2 & 3. We recommend that the auxiliary water supply system, new sanitary sewer and reclaimed water piping be extended to the Candlestick Point SRA. This paragraph should be revised to clarify whether this will be the case.

Comment D.2 Chapter IV, Page 182, Paragraph 1. We are concerned about potential effects of the Membrane Bioreactors (MBR) planned to boarder the SRA as part of the sanitary sewer system serving the project. Because California State Parks has little experience with these facilities, we worry that they may create unpleasant odors or require maintenance or sludge disposal that affect park visitors. The risk of these impacts should be assessed and any necessary mitigation measures prepared in cooperation with California State Parks.

86-4

E. Land Use

Comment E.1 Chapter III.B, Page 34, Paragraph 4. There is a statement here that pedestrian access is limited. From what perspective was this statement concluded? Access once inside Candlestick Point SRA is not limited. This statement should read, "Pedestrian access from surrounding residential areas to the Candlestick Point SRA and San Francisco Bay is limited".

86-5

Comment E.2 Figure II-17 in Vol. II, pg 86 shows a timeline for development of parks on Candlestick Point SRA and HP Shipyard Phase II that extends through 2021 and 2025. California State Parks appreciated the City and Redevelopment Agency's suggestions about potential phasing of Candlestick Point SRA improvements. Decisions about improvement schedules at the SRA, however, will be made by California State Parks upon completion of the updated general plan for the SRA. The EIR should be revised to clarify that Figure II-17's suggestions for Candlestick Point SRA's improvement are for illustrative purposes only, and may be altered as needed by California State Parks.

Comment E.3 Chapter III.E, Page 55, Paragraph 4. The creation or expansion of beaches or tidal habitat will be determined during the public general plan process for the Candlestick Point SRA. Please add this statement in this paragraph.

Comment E.4 Chapter III.E, Figure II-4. This figure conflicts with Figure II-9. Figure II-14 should depict the Bay Trail route around Yosemite Slough as an alternate route with the proposed route on the bridge. Please make this change on all maps that depict the Bay Trail around Yosemite Slough:

Comment E.5 Chapter III.P, Page 2, Paragraph 5. The description of Candlestick Point SRA should be revised to include a description of the Yosemite Slough area of the park unit. The SRA lands to the northeast of Yosemite Slough include a now defunct auto salvage yard, old warehouse, and two business locations that are currently occupied by a sound studio and a cabinet shop. California State Parks leases the buildings to these tenants on a month to month basis.

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Comment E.6 Chapter III.P, Page 27, Bullet.7. Any references in the EIR to conveying Parcels E and/or E2 to California State Parks should be removed. This option is not a part of the project or any current land exchange alternatives.

86-5
cont'd.

F. Natural Resources The assessment of impacts to natural resources needs to be revised to evaluate the effects of the project on California State Parks' Yosemite Slough restoration project. This long-planned and fully-permitted project will restore twelve acres of tidal wetlands adjacent to Yosemite Slough to enhance local wildlife habitat, provide nature study opportunities, and compensate for wetlands damaged by improvements to BART and San Francisco's airport. The California State Parks Foundation, the State Coastal Conservancy, and a variety of other local organizations are partners in the restoration project. California State Parks will be pleased to provide whatever information about the Yosemite Slough restoration project is needed to properly assess how the redevelopment project may affect it and to evaluate alternatives or mitigation measures to reduce adverse impacts. Impacts that should be considered include fill of restored habitats (see comment F2 below), impacts during bridge construction, including noise and other disturbances, impacts to tidal habitats and wildlife caused by the shading from the bridge, impacts from vibration, noise, lighting, and other disturbances associated with traffic on the completed bridge, and any fragmentation of habitat attributable to the separation of the restoration area from South Basin's tidal waters and bayshore as a result of the bridge.

86-6

Discussion of mitigation measures that involve planting or restoring native vegetation within Candlestick Point SRA need to make clear that California State Parks retains the final authority over the size and location of restored habitat areas, the selection of species to be planted, and the management of land and water within the SRA. Our environmental scientists look forward to coordinating with the City and Redevelopment Agency in the development of final plans for habitat restoration and management in and adjoining the SRA.

Comment F.1 When habitat enhancement or creation within Candlestick Point SRA is proposed to mitigate the project's effects on natural resources, the plant lists must be approved by California State Parks. If these plantings are conducted in proximity to (but outside of) the SRA and non-native species are planted, the species should be carefully chosen so that they do not naturalize or spread to State Parks' property.

Comment F.2 Chapter III. M, Page 4, Paragraph 1, California State Parks is a partner with the California State Parks Foundation and others in the Yosemite Slough restoration project and should be identified as such in this section of text.

Comment F.3 Chapter III. N. The project boundary and a portion of the access road depicted in Figure N-6 on page 66 encroach into the California State Parks Yosemite Slough restoration project. If the figure is accurate, there could be negative impacts to the wetlands and upland habitats created as part of the restoration project. These impacts should be more carefully evaluated and alternatives to avoid them or measures to lessen them should be suggested.

Comment F.4 These vegetation communities should be more accurately described, including consistently following the naming and classification system cited. Non-native annual grassland is not a vegetation community under the system cited in the DEIR. It should be **California annual grassland** or one of the types under non-native grassland. The type of salt marsh occurring on the site should also be defined under the classification system cited.

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California State Parks
Comments: Candlestick Point – Hunters Point Shipyard Phase II DEIR (SCH # 2007.0946E)

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In addition, there is no seasonal freshwater wetland community type in the system referenced. The reference noted in Chapter III.N, Page 5, Paragraph 1 is not accurate; it is noted as being from the "Wildlife and Habitat Data Analysis Branch" but is from the Vegetation Classification and Mapping Program of the Biogeographic Data Branch according to the DFG document dated September 2003.

86-6
cont'd.

Comment F.5 Eelgrass beds are noted in the text as a vegetation community occurring on the site, but are not identified in Table III. N-1. If eelgrass mitigation is proposed within Candlestick Point SRA, California State Parks will expect to be consulted regarding site selection and the habitat creation methods to be employed.

Comment F.6 Chapter III.N, Page 67, Paragraph 4. This paragraph should be expanded to present impacts to the wetlands to be created within the California State Parks' Yosemite Slough Restoration project. Impacts of the project to the Yosemite Slough Restoration project should be evaluated, including effects from shadowing tidal waters below the proposed bridge.

Comment F.7 Chapter IV, Page 45, Paragraph 6 and Page 46, Paragraph 3. The location where these adverse impacts will occur should be identified through a map or description.

Comment F.8 The text in Appendix N3, Pages, 33-34 and 65, should be revised to make clear that habitat and ecology parks proposed at Candlestick Point SRA are concepts only, and that final decisions about the SRA's use and management will be made as part of development of the SRA's general plan. Pages 69 & 73 of Appendix N3 should make clear that California State Parks is not responsible for financing habitat enhancement measures that the EIR proposes within the SRA to mitigate the project's impacts to natural resources.

California State Parks does not encourage the use of nesting boxes on its lands. Please remove any recommendations for nesting boxes at Candlestick Point SRA.

G. Parking Careful management of parking in the project area will be required to maintain parking for State Park visitors during stadium events and other times when other parking demands are high.

Comment G.1 Chapter II. B, Page 11, Paragraph 1. The parking count in this paragraph is incorrect. There are 275 parking spaces serving the developed portion of Candlestick Point SRA and 251 parking spaces associated with the non-functioning boat ramp. Please correct these numbers in this paragraph.

86-7

~~Comment G.2 Chapter II. D & E. This paragraph should note that Candlestick Point SRA parking will be impacted by arena and stadium events. If these impacts cannot be effectively managed, outdoor recreation at the SRA may be restricted during these events. To mitigate these potential impacts, the City and venue operators should coordinate parking management plans for arena and stadium events with California State Parks to address Candlestick Point SRA parking lot impacts.~~

H. Recreation Residential development needs to be carefully coordinated with park improvements to avoid adverse impacts to recreation. SRA improvements funded by the redevelopment project will contribute to the project's recreation benefits.

86-8

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Comment H.1 Table II-2 in Chapter II.E (Page 8) should be revised to clarify proposed uses for State Park land. The text should make clear that these proposed uses are just conceptual, and that these may be among several alternatives considered in the Candlestick Point SRA General Plan amendment process.

Comment H.2 Chapter II.B, Page 12, Paragraph 4, This paragraph inaccurately describes California State Parks' general plan process and the resource commitments that California State Parks makes when developing its parks. A General Plan Amendment (GPA) is required when the existing General Plan does not propose the facilities or other uses or management actions that will be needed at a park because of changes in the unit's setting, surrounding land uses, or changing recreation patterns, or when other changes make an existing general plan outmoded.

The paragraph's second sentence inaccurately links the requirement of a GPA with the proposed new uses on the lands removed from State Parks' ownership. This is not the case, since these lands will no longer be owned by California State Parks. The GPA currently underway for Candlestick Point SRA will not address the proposed uses on the lands removed from the park and developed as part of the project. The paragraph's third sentence again inaccurately describes the process and need for a GPA. The GPA process will determine the facilities proposed for Candlestick Point SRA. The suggested facilities identified in the DEIR will be reviewed as one of several alternatives for the SRA's development during the GPA process. Since the boundary of the park unit will be altered and facility needs are significantly different than when the last GPA was prepared in 1987, the current GPA process will, through a public input process, identify the facilities and future management processes proposed for the park. Please correct any references to this type of statement throughout the DEIR. All references that utilize terms for such proposed facilities should be worded as "could" or "may" when referencing the Candlestick Point SRA facilities.

86-8
cont'd.

Comment H.3 Chapter II.P, Page 11, Paragraph 1-4. Any assessment on the project's impacts to existing Candlestick Point SRA facilities, trails, etc. needs to take account of their existing condition. Almost all facilities within Candlestick Point SRA are in various conditions of disrepair, so that increased use will increase the need for replacement and expanded facilities.

Comment H.4 Chapter II.P, Page 15, Paragraph 2-4, Impact RE-2 and Chapter II.P, 5, Page 29. Text in these sections needs to be revised to reflect the importance of carefully phasing residential construction with park improvements to avoid adverse effects on recreation. The project will result in increased use of Candlestick Point SRA and its associated facilities, some of which are currently in various states of disrepair. Increased use of these facilities will accelerate their deterioration and overburden existing facilities, including trails and other improvements. These effects can be avoided by careful coordination of park improvements and residential development.

Comment H.5 Chapter II.P, Page 30, Paragraph 1. The first sentence of this paragraph should be reworded to read, ".....residents or employees of the Project site would choose to use adjacent parks....." as the term could give the impression that the City parks included in the project would provide sufficient park space for residents of the project. On the contrary, they will also use Candlestick Point SRA.

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Comment H.6 Appendix D, Page 295, Paragraph 6. Bicycles could also use the Class I Bay Trail around Yosemite Slough.

Comment H.7 Appendix G, The project does have the potential to increase winds within Candlestick Point SRA, as mentioned in the body of the EIR. Windsurfing wind speeds at the windsurfing launch area may decrease due to the project, which is a direct impact upon recreation within the SRA. Increasing wind speeds in other parts of the SRA as a result of the project could alter recreation if they create zones where it is uncomfortable for the public to picnic, play, rest, or gather, due to the increased wind. The cumulative effects of shade from residential towers and increased wind in an area may combine to create areas within the SRA that are poorly suited for recreational use. California State Parks looks forward to working with the City and Redevelopment Agency to find solutions to these impacts.

I. Sea Level Rise The project needs to provide sufficient flexibility to respond to the rise in sea levels associated with climate change.

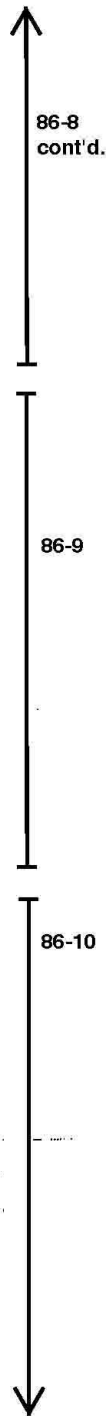
Comment I.1 II.E, Page 70, Paragraph 1. The EIR should describe the ability of the geologic hazard abatement district to fund improvements along the Candlestick Point shoreline that protect park facilities as well as other project improvements.

Comment I.2 II.E. Adaptive management options for a 55" rise in sea levels should provide sufficient flexibility to maintain bay views for park visitors and minimize impacts to recreation. These could include variation in the location or width of any berms that may be needed to reduce flooding.

Comment I.3 III. M, Page 10, Paragraph 1. We do not concur that California State Parks is responsible for flood management within the project area. The shore protection structures and storm drains at Candlestick Point were constructed to contain landfill, reduce shoreline erosion, and discharge stormwater, but are not intended to provide flood protection for the project area.

J. Stormwater Discharge California State Parks welcomes the project's attempts to incorporate innovative stormwater management systems in the project's design. The issue is of special concern to us, because nearshore waters at Candlestick Point SRA already suffer from periodic declines in water quality, including periods when beach use and other water-contact recreation is restricted because of poor water quality. Because we have little experience with management of innovative stormwater systems within a State Park, we have a variety of concerns that require additional attention in the EIR, and suggest that alternative stormwater management strategies also be evaluated to assess their benefits to Candlestick Point SRA. Stormwater facilities to be located within the SRA, like other project features proposed within State Parks' lands, will require review and approval by California State Parks.

Comment J.1 III. K, Page 92. Any discharges of stormwater from the project area through Candlestick Point SRA to the bay or Yosemite Slough and discharges that would be distributed to infiltration or biotreatment systems, like swales, wetlands, or detention basins, within the SRA, will need the review and permission from California State Parks. Additional impact analysis may be needed at that time. Any discharge through, across, or within the SRA will require Right of Entry Permits or easements from California State Parks.



Comment J.2 III. P, Page 17. California State Parks looks forward to working with the City and Redevelopment Agency to design drainage facilities that assure that the recreational experience at Candlestick Point SRA is not diminished, and that public health and safety or biological resources are not compromised. Stormwater treatment and conveyance structures and facilities should be designed to maximize pretreatment outside of State Park lands prior to discharge to or across the SRA. The EIR should describe adaptive management measures that can be taken when extreme weather events exceed the stormwater facilities' design capacity.

Comment J.3 III. M. California State Parks will need to be involved in developing any Storm Water Pollution Prevention Plans (SWPPPs) for the project that affect the lands of Candlestick Point SRA, including the selection of best management practices or other SWPPP improvements that may affect the SRA.

Comment J.4 III. M, Page 10. The pretreatment of stormwater runoff within the project area should be maximized prior to its being conveyed and discharged to the bay through Candlestick Point SRA. In addition, the EIR should examine the feasibility of discharging runoff via outfalls extending offshore, so that nearshore water quality is unaffected, rather than relying on swales, wetlands and holding ponds within Candlestick Point SRA for stormwater management.

Comment J.5 Appendix M1, Page 6, Table M6. The EIR should clarify whether the stormwater reduction (228 CFS or 48%) will occur as a result of BMPs within the project site or from conveyance of stormwater to the project area's separate sewer system.

The EIR should also explain what responsibility the City or Redevelopment Agency will assume for events when runoff from the project damages Candlestick Point SRA through erosion or flooding. California State Parks will expect the City and/or Redevelopment Agency to assume responsibility for any damages to the SRA associated with storm water runoff, for violations of water quality standards attributable to stormwater facilities located within the SRA, and for the improvement and management of stormwater facilities to meet changes in water quality regulation

Comment J.6 Appendix M1, Page 10, Paragraph 3. A program to monitor trash and pollutants in stormwater prior to its discharge to the SRA should be proposed.

Comment J.7 Appendix Q3, Page 2 of 5. This report should describe the locations within the SRA where existing stormwater flows will be diverted to the combined sanitary sewer. As noted above, California State Parks will expect the City and/or Redevelopment Agency to assume responsibility for water quality when stormwater from the SRA is diverted to the combined sanitary sewer and discharged to the Bay.

The document should clarify what portion of storm water flow will be treated before being discharged into the Bay and where these treated waters will be discharged, as well as the portion that will not be treated and those discharges' locations.

Comment J.8 Appendix Q3, Page 3 of 5, Bullet 1. The RV Park and SRA are not one in the same. The RV Park is a completely separate, privately-owned entity. Remove any mention of the RV Park being associated with the State Park.

86-10
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Comment J.9 Appendix Q3, Page 5 of 5, Paragraph 1. One measure that should be explored to decrease stormwater flows and to maximize pretreatment of stormwater runoff prior to its discharge to the SRA is installing subsurface stormwater infiltration galleries underlying the project's roadways. This and other stormwater treatment opportunities outside the SRA should be explored prior to conveying stormwater flows to the SRA.

86-10
cont'd.

K. Traffic and Circulation State Parks would like to see more analysis and information to assess how proposed changes in traffic and circulation may affect Candlestick Point SRA. These effects could occur in several ways: from traffic-related noise and vibrations, degraded local air quality, or other disturbances that degrade use of adjoining recreation areas; from traffic on busy streets or transit routes that interferes with access to the SRA by bicyclists or pedestrians; or by congestion, inadequate transit connections, or poor wayfinding systems that impede visitors access to the SRA. Fuller attention to this issue at a scale suited to assessing effects on the SRA is needed before decisions about traffic and circulation issues can be made. After analysis of how traffic and circulation issues affect the SRA is completed, California State Parks stands ready to work with the City and Redevelopment Agency to recommend mitigation measures to reduce adverse impacts.

86-11

Comment K.1 Appendix D, Figure 28. This figure does not provide sufficient information about how vehicle access to the SRA will be established through the project area. How will visitors seeking access to SRA parking lots and day use areas be facilitated by the project roadways? A way-finding system should be developed in cooperation with California State Parks and incorporated into the project's street signage plan to provide park visitor with clearly visible cues about how to access the SRA.

Comment K.2 Chapter III.B, Page 35, Paragraph 5. We are concerned that pedestrian and bicycle access to the SRA from neighboring areas will be deterred by the width and traffic volumes at the intersections at Arellio Walker Drive/Carroll Avenue and Harney Way/Executive Park Boulevard. California State Parks is willing to work with the City and Redevelopment Agency to examine traffic calming features, pedestrian and bicycle friendly designs, or grade separation options that mitigate this impact.

L. Yosemite Slough Bridge The analysis of the Yosemite Slough Bridge is among those aspects of the EIR where insufficient information is provided to assess the project's effects. A poorly designed bridge could damage Yosemite Slough and its soon-to-be-restored wetlands, impede access along the Bay Trail, impair views within the SRA, and alter recreational use on public lands adjoining the bridge's right-of-way. With careful design and management, on the other hand, it is possible that a bridge crossing the slough, especially if it is required to support a stadium at Hunters Point, could provide new recreation opportunities without significantly damaging the SRA.

86-12

Among those impacts not adequately assessed is the potential for bridge traffic, especially on days when the stadium is in use, to interfere with access from the Yosemite Slough sections of the SRA to other recreation areas west of the bridge. The bridge's wide, congested roadway will create a formidable barrier to pedestrians or bicyclists attempting to cross from the slough to the bayshore along South Basin. The extent of these conflicts should be assessed, and opportunities to mitigate adverse impacts by providing passage for pedestrians along an alternate route crossing beneath the bridge or by applying pedestrian and bicycle-friendly designs and traffic-calming measures.

Similarly the potential for the bridge to impede kayaks and other paddlecraft from passing beneath the bridge from Yosemite Slough to South Basin needs assessment. This assessment should consider the effects of rising bay levels caused by climate change.

Finally, a figure should be provided depicting how the bridge will alter the views from the Yosemite Slough restoration area to Double Rock and the South Basin. Bridge features that create alternate viewing opportunities to mitigate any adverse effects should be identified.

Comment L.1 III. B, Page 24, Paragraph 2. As noted in our comments on natural resources, the EIR does not provide sufficient information to conclude that the Yosemite Slough bridge will not detract from biological resource values. More detailed analysis of all the impacts from the bridge to the slough and SRA needs to be prepared.

Comment L.2 III. F, Page 38, Paragraph 5. The impacts of noise, lighting, views and vibration from bridge construction and bridge traffic on a restored slough and on shorebird use of Double Rock needs to be assessed. Double Rock should be identified on all plans associated with the bridge alternatives. These effects should be analyzed for all alternatives and variants. After these effects by the bridge and the associated traffic are identified, California State Parks stands ready to work with the City and Redevelopment Agency to develop measures to mitigate adverse effects.

Comment L.3 IV. M, Page 4. Based on the presently available information, it appears that if a stadium is not built on Hunters Point, then alternatives that do not include a bridge over Yosemite Slough can minimize effects to the SRA. Alternate BRT lines routed through the neighborhood would, as identified in the EIR, add 5 minutes to BRT travel times while avoiding potential bridge impacts – seemingly a reasonable balance between circulation and park protection.

Comment L.4 Appendix N2, Page 1 of 7. Measures to mitigate effects of the coffer dams to be used during bridge construction, including impacts to the shores of Yosemite Slough, should be proposed. Candlestick Point SRA is willing to work with the City and Redevelopment Agency regarding possible mitigation measures for these impacts.

Comment L.5 Appendix N2, Page 6 of 7. Use of rock that is colored to match existing soils at the bridge's southern and northern abutments can mitigate visual impacts.

Many maps within the EIR indicate that temporary access roads and contractor lay down areas may extend into the SRA. If the bridge would extend into portions of the SRA beyond what is depicted on EIR maps, these maps need to be changed accordingly. California State Parks stands ready to work with the City and Redevelopment Agency to define mitigation measures to lessen the impacts to wetlands.

M. Growth-inducing impacts The EIR lacks an assessment of how the project may induce changes in land use outside the project area. One particular concern for California State Parks is the lands adjoining the south and east sides of Yosemite Slough. The likelihood of the project to induce gentrification in these areas or to spur changes in land use seems high. Without proper planning, growth induced by the project next to Yosemite Slough could cause a variety of effects to this portion of the SRA by impeding access, changing views and the built environment, and increasing stormwater runoff to the slough. Planning

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studies that anticipate these changes and propose land uses and mitigation measures that lessen potential growth's adverse effects on Yosemite Slough should be initiated.

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cont'd.

N. Miscellaneous Topics

Comment N.1 Chapter III.C.1, Page 4, Paragraph 3. This paragraph should be revised to note that California State Parks, with a grant from the California Integrated Waste Management Board, removed rubble and debris from 10 acres here in 2009.

86-14

Comment N.2 Chapter III.E, Page 50, Figure II-10. The area where the Yosemite Slough Bridge meets land near the abutment area on the north side of Yosemite Slough is not identified in SB-792 as lands to be exchanged and should be removed from this map. California State Parks is willing to discuss conveyance options for the bridge locations if the project includes this element.

86-15

Comment N.3 III.E, Page 28, Paragraph 1. Throughout the entire EIR whenever the term "community planning process" is used in reference to the Candlestick Point SRA General Plan process, it should be changed to read "public planning process".

86-16

Comment N.4 III.J, Page 21, Paragraph 1. This section includes the statement; "The Candlestick Point site does not contain historic resources." Candlestick Point SRA General Plan amended in May of 1987 pg. 15, last paragraph states "it is possible that hulks remain in the bay mud under portions of the Candlestick Point fill. Although the pattern of the use of hulks for fill base had been generally abandoned prior to the filling at Candlestick Point, it is possible that there were already abandoned hulks in the mud when the area was filled. Due to the possibility that the remains of the ships having historical value might remain under filled areas at Candlestick Point SRA..." Further the 1987 Candlestick Point SRA General Plan goes on to state remote testing or other reliable methods are used prior to excavation. California State Parks will utilize these approaches within the SRA and recommends that archeological monitoring be implemented for all excavations on lands with potential of affecting this resource.

86-17

Comment N.5 III.K, Page 91, Paragraph 3. The intent of the second sentence in the third paragraph is unclear. It reads: "In addition, there are environmental conditions that would also reduce the potential for adverse impacts." Please clarify this statement. Are there potential adverse impacts that would be reduced on human populations or on the environment? By "environmental conditions" are you referring to project conditions and/or mitigations that would avoid or reduce impacts to the environment or existing conditions at the site (such as climate, etc.),.

86-18

Comment N.6 III.O, Page 1, 7-8. California State Parks' law enforcement system at Candlestick Point SRA will be greatly impacted by a park unit that will have the potential of 24 hour/365 day operation. This impact should be noted in this section. Reference should be made in this section to the potential coordination of City law enforcement with California State Parks' law enforcement for shared patrol and interface in and around the SRA.

86-19

During construction improvements within the SRA, security of the construction site, equipment and materials will be the responsibility of the construction contractor, please add this statement to this section.

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Game day increased traffic enforcement outside of the SRA will not be the responsibility of California State Parks law enforcement.

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Comment N.7 III.P, Page 6, Paragraph 3. The determination that the reconfiguration of Candlestick Point SRA would comply with the LWCFR has not yet been determined and this sentence should be stricken from the EIR.

86-20

Comment N.8 Page 32, Paragraph 3. The last sentence of this paragraph mentions that as least \$10 million of funding would be provided for future operations and maintenance of the Candlestick Point SRA. This sentence should be revised to quote the correct language referencing this topic in SB 792.

86-21

Comment N.9 Appendix N3, Page 27, Paragraph 2. There needs to be the additional recognition that a "Key Issue" is also to provide opportunities for interpretation, for people to explore nature, learn about global climate change (relevant here as the project includes strategies to address sea level rise) and acquire environmental literacy.

86-22

Comment N.10 Appendix N3, Page 32. This section should include the text, "provide for discovery and personal connection with the natural and cultural resources, to achieve environmental literacy, and learn about"

86-23

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■ Letter 86: California State Parks (1/12/10)

Response to Comment 86-1

Refer to Master Response 3 (Impacts of the Proposed Project on Yosemite Slough [Biological Resources]), specifically subheading Consideration of Yosemite Slough and the Yosemite Slough Restoration Project in the Draft EIR, regarding inclusion of the Yosemite Slough within the Project boundary.

With regard to comment A regarding Air Quality and subcomments A.1, A.2, and A.5, refer to Response to Comment 47-42 (California State Parks Foundation) for a discussion of air monitoring and dust mitigation related to construction activities. Mitigation measure MM HZ-15 (based on *San Francisco Health Code*) requires recordkeeping of dust monitoring results and establishing a hotline for surrounding community members who may be potentially affected by Project-related dust.

The comment recommends monitoring for DPM; however, there is no current technique to directly collect and analyze DPM. DPM is the particulate component of diesel exhaust from diesel-fueled combustion sources. DPM generally consists of elemental carbon (EC), sulfates, silicates, and various organic compounds adsorbed on the particulate. DPM is often used as a surrogate for emissions of all toxic air contaminants from diesel-fueled compression-ignition internal combustion engines, regardless of whether it is a solid or gaseous phase constituent. Since there is no current technique for monitoring DPM, EC often serves as a surrogate. To quantify EC as a surrogate for DPM, ambient PM_{2.5} (particulate matter with aerodynamic diameter < 2.5 micrometers [μm]) is collected on a filter and analyzed using thermal/optical methods to determine EC content. Then a multiplying factor is applied to the resulting EC concentration to estimate ambient DPM concentration.

There are also inherent limitations in attempting to quantify excess cancer risk through monitoring for DPM. As discussed earlier, it is impossible to directly monitor DPM; therefore EC is used as a surrogate. However, EC can originate from a variety of natural and anthropogenic sources not associated with the combustion of diesel fuel. For example, EC can be generated during forest fires or as a component of wood smoke. As such, using EC to approximate DPM can dramatically overestimate potential health impacts. In addition, the ratio used to estimate DPM concentrations from measured EC concentrations can vary quite significantly depending on the type of source of the DPM, the engine operating conditions (e.g., load factors), and a variety of other factors. Therefore, defining an appropriate multiplier to accurately estimate DPM concentrations is extremely difficult, especially when DPM comes from a variety of types of sources of DPM, such as would be expected from construction equipment. The quantification of DPM using EC as a surrogate in ambient air monitoring may result in significant uncertainties for estimating potential health impacts. Instead, comparing health risks (based on modeled air emission concentrations) to the designated BAAQMD CEQA significance thresholds is the best available methodology for evaluating potential health impacts, consistent with BAAQMD CEQA guidance.

With regard to subcomment A.3, analytical results for chemicals in soils within the CP area were available from two investigations conducted by Geomatrix Consultants, Inc. (Geomatrix): *Site Investigation and Risk Evaluation Report for the Proposed San Francisco 49ers Stadium and Mall Site: North Park and Last Port Areas* (Geomatrix 1998a) and *Addendum 1 to the Site Investigation and Risk Evaluation Report for the Proposed San Francisco 49ers Stadium and Mall Site: North Park and Last Port Areas* (Geomatrix 1998b). As part of their

evaluation, Geomatrix evaluated potential onsite construction worker exposure and risks during construction/development. As estimated risks to the construction workers at occupational dust levels were below levels of significance, they concluded that all off-site populations, which would include park visitors, would also be below levels of concern. As discussed in Response to Comment 47-42 (California State Parks Foundation), the Dust Control Plan (DCP) for the Project will require specific actions to control dust to the extent deemed necessary by the SFDPH to achieve no visible dust at the property boundary.

The analyses conducted to evaluate PM_{2.5} impacts were based on annual average traffic estimates from the Project, which do take into account traffic on the 10 to 12 game days per year and evaluates major roadways where this traffic occurs. As such, the impact of game day traffic was evaluated in Appendix H3 of the Draft EIR, Attachment IV, and shown to be less than significant.

With regard to subcomment A.6, Appendix H3 of the Draft EIR, Attachment III, addresses potential operational emissions (emissions of toxic air contaminants [TAC]) from proposed R&D areas including any portion of Parcel E that might be designated for R&D. Parcel E-2 and most of Parcel E will be open space areas. As the estimated air concentrations and corresponding risk would decrease with distance from the R&D areas, the estimated air concentrations and corresponding risks for receptors even farther away (e.g., Candlestick Point SRA) would be lower than those predicted for nearby receptors in this evaluation, as stated in the Draft EIR on pages III.H-33 to -34. Refer to Master Response 19 (Proposed BAAQMD Guidelines), which provides an assessment of localized cumulative effects of TAC and PM_{2.5} within the Project site and 1,000 feet outside of the Project site based on the most recent BAAQMD guidance.

Response to Comment 86-2

Refer to Response to Comment 47-48 with regard to shadow effects on Candlestick Point State Recreation Area.

Response to Comment 86-3

As described on pages III.K-6 to -8, there have been three environmental assessments of Candlestick Point, including the State Recreation Area conducted since 1998, the most recent in March of 2009. Extensive soil and groundwater sampling was conducted. As a result of these assessments, the DEIR concludes, on page III.K-53 that there are no sites with known contamination requiring remediation at Candlestick Point. The EIR also concludes that the low-levels of hazardous materials detected in the sampling and general knowledge of the types of materials that can be in bay fill lead to the conclusion that there is a potential for exposure to hazardous materials from development activity in the Bay fill areas of Candlestick Point, including CPSRA. MM HZ-1a requires that, prior to engaging in development activity at CPSRA, the Project Applicant must conduct an environmental assessment and, if necessary, implement a site mitigation plan, equivalent to what is required by *San Francisco Health Code* Article 22A (sometimes called the “Maher Ordinance”). In response to the comment, the text in mitigation measure MM HZ-1a, page III.K-55 of the Draft EIR, has been revised as follows (new text is shown as underlined):

MM HZ-1a Article 22A Site Mitigation Plans. (*Applies only to Candlestick Point.*) Prior to obtaining a site, building or other permit from the City for development activities involving subsurface disturbance at portions of Candlestick Point bayward of the high tide line, the Project Applicant shall comply with the requirements of San Francisco Health Code Article 22A. If the site investigation required by Article 22A (or, in the case of development activity in CPSRA, which is not subject to

Article 22A, a comparable site investigation that is carried out to comply with this measure, and which involves notification to California State Parks if a site mitigation plan is prepared), indicates the presence of a hazardous materials release, a site mitigation plan must be prepared. The site mitigation plan must specify the actions that will be implemented to mitigate the significant environmental or health and safety risks caused or likely to be caused by the presence of the identified release of hazardous materials. ...

The commenter that California State Parks has no interest in accepting title to any lands within HPS Phase II is noted. This comment will also be forwarded to the decision-makers for their information prior to approval or denial of the Project.

Comment C.1

As stated on pages II-54 and II-55 of the Draft EIR:

The estimate of earthwork grading requirements for HPS Phase II was based on a profile along the edge of development of Parcels B and C, which allows for overland flow and piped storm drainage flow. Earthwork at the 49ers stadium location and parking lot would be raised and graded by providing five feet of embankment over existing ground surface. This allows for buried pipeline with limited penetration of the existing soil. There would be some excavation on site. The material would be imported from Candlestick Point or other off-site sources.

Therefore, on HPS Phase II, soil would need to be imported, rather than exported, and any excavation would be localized for the purpose for installing utilities. No HPS Phase II soils would be used for grading adjustments within the CPSRA. In response to this comment, text in the Draft EIR has been revised in Chapter II (Project Description) on page II-54, as follows:

The estimate of earthwork grading requirements for Candlestick Point was based on a profile along the edge of development, which allows for overland flow and piped storm drainage flow. All earthwork is assumed to be used on site for Project grading and for grading improvements to the State Park land, or is exported to HPS Phase II. Hunters Point Shipyard soil shall not be used for grading adjustments within CPSRA. ...

Additionally, text in the Draft EIR has been revised in Section III.K (Hazards and Hazardous Materials) on page III.K-54 as follows:

The requirement for a site assessment prior to obtaining a grading permit for new construction would be triggered by Article 22A for sites at Candlestick Point located bayward of the 1851 high tide line, which are the Candlestick Point North and Candlestick Point South districts, comprising the bulk of the area previously investigated in 1998. Compliance with Article 22A requirements would ensure current conditions are assessed in the area previously investigated in 1998, and that they are assessed in light of the specific planned depths of excavation. As stated below on page III.K-68, Hunters Point Shipyard soil shall not be used for grading adjustments within CPSRA, but may be reused on the Shipyard to the extent permissible under the Navy remedial program.

And in Section III.K on page III.K-68:

Various construction activities at HPS Phase II, such as grading, trenching, compacting, and excavating, would result in soil being handled and moved. The excavated soil may be used as fill elsewhere at HPS Phase II, to the extent permissible under the restrictions discussed below, but would not be reused at CPSRA or any other off-site locations.

Comment C.2

This comment does not raise environmental issues or comment on the adequacy of the Draft EIR. The request should be made directly to the Project Applicant.

Comment C.3

The description the commenter requests of contingency measures is not appropriate for the Current Conditions discussion on page III.K-7 of the Draft EIR where the commenter asks it be added. There is a description of contingency measures in the discussion of Impact HZ-1a and Impact HZ-2a (Draft EIR, pages III.K-53 and -54; III.K-58 and -59), which address the potential at Candlestick Point for harmful exposure to contaminants from known and unknown sources of contamination as a result of soil and groundwater disruption from construction activities. Implementation of the associated mitigation measures MM HZ-1a and MM HZ-2a.1 renders the potential impact less than significant. The mitigation measures include contingency plans to address unexpected hot spots and prevent exposure to workers, the public, and the environment.

Comment C.4

With respect to groundwater monitoring at HPS, as explained in Section III.K.2 (Setting), pages III.K-11 through -26, as part of the ongoing remediation of HPS, extensive groundwater monitoring networks exist throughout the various parcels. Furthermore, mitigation measure MM HZ-1b requires that, before any development activity that disturbs soil or groundwater may occur, SFDPH must verify that the activities would be done in compliance with all applicable restrictions from environmental documents, including requirements set forth in Land Use Control Remedial Design Documents, Risk Management Plans, and health and safety plans, which include protocols for the management and monitoring of groundwater.

Comment C.5

In the event development activity within SRA indicates a hazardous material release, the contingency plan created pursuant to mitigation measure MM HZ-2a.1 and approved by the SFDPH would be implemented. Implementation of the contingency plan would involve site control procedures, and appropriate notification. Refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues), which revises MM HZ-2a.1 to specify that the notification required in the contingency plan must include nearby property owners, which includes California State Park staff. Also note the revision to MM HZ-1a described above in the response to the opening paragraph of this comment adding an express requirement to notify California State Parks staff if the required environmental site assessment on CPSRA property identifies conditions requiring preparation of a site mitigation plan.

Comment C.6

Impact HZ-4, on page III.K-64 of the Draft EIR, addresses the potential for underground utility lines at Candlestick Point to serve as conduits that convey toxics and expose workers, the public, or the environment to hazardous materials. As discussed above, MM HZ-1a requires the implementation of a site mitigation plan if the environmental assessment required before development activity is conducted at Candlestick Point identifies contamination requiring mitigation, and MM HZ-2a.1 requires implementation of an unknown contaminant contingency plans if unknown contaminants are otherwise discovered at

candlestick point (or HPS). If the conditions addressed by these required plans could potentially be spread through utility lines or other subsurface improvements, the plans would specify measures to prevent the conveyance of toxics through such conduits. Such measures may include backfilling portions of trenches with segments of concrete, compact clay, or a cement and bentonite mixture. These less-permeable materials may be placed at 200-foot intervals or at the edges of known areas of groundwater contamination.

Comment C.7

As stated in Impact HZ-7, the specific control measures that will be implemented to protect workers, the public, and the environment from hazardous materials in stormwater runoff will be developed to account for the specific characteristics of each site, contaminant type and concentrations, potential exposure pathways, and populations that could be at risk. The control measures will be part of a site specific Storm Water Pollution Prevention Plan (SWPPP). Mitigation measures MM HY-1a.1 and MM HY-1a.2 provide examples of Best Management Practices (BMPs) that will be employed as part of the SWPPP. The BMPs range from scheduling practices, to sediment and erosion control, and waste management. By way of example, some of the soil and erosion control BMPs include, but are not limited to stabilizing and re-vegetating disturbed areas immediately after construction; installing temporary slope breakers during rainy season on slopes greater than 5 percent where the base is less than 50 feet from a water body; using filter fabric or other measures to prevent sediment from entering storm drain inlets; and detaining and treating stormwater using sedimentation basins, sediment traps, baker tanks, and other measures to ensure discharges meet water quality objectives. Further, monitoring and reporting requirements are likely to include SWPPP inspections, written reports, and monitoring of the water quality of discharges from the site to assess the effectiveness of control measures. For more information on the exact requirements and regulatory structure, refer to mitigation measures MM HY-1a.1 and MM HY-1a.2, as well as Impact HZ-7.

Comment C.8

As discussed above, contingency plans developed pursuant to mitigation measure MM HZ-2a.1 will address unexpected contaminants and health risks, and implementation of the plans will involve site control procedures and appropriate notification. Refer to Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues), which revises MM HZ-2a.1 to specify that the notification required in the contingency plan must include nearby property owners, which includes California State Park staff. Also note the revision to MM HZ-1a described in the response to the opening paragraph of this comment adding an express requirement to notify California State Parks staff if the required environmental site assessment on CPSRA property identifies conditions requiring preparation of a site mitigation plan.

Comment C.9

As stated in Impact HZ-9 on pages II.K-77 and -78 of the Draft EIR, before any work begins on the Yosemite Slough bridge, a removal action workplan would be submitted to and approved by the FFA Signatories and the California Department of Public Health for excavation of any potentially radiologically contaminated areas, to ensure that there are no significant risks from radiological exposure. If unexpected radiological contaminants are later found during bridge construction, the applicable unknown contaminant contingency plan, approved by SFDPH under mitigation measure MM HZ-2a.1, would be implemented, and California State Parks would be notified as nearby property owner per the revisions made to that

mitigation measure in Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues).

Comment C.10

Refer to Master Response 10 (Pile Driving through Contaminated Soils) and mitigation measure MM HZ-5a for a discussion of the precautions that will occur prior to and throughout pile driving to ensure the process does not mobilize and spread contamination. Note also that USEPA is one of the FFA signatories that must approve the removal action workplan to excavate radiologically contaminated soil before any construction work at Yosemite Slough may take place.

Comment C.11, Comment C.12

Parcel E shoreline is proposed to be used as open space. As discussed in Impact HZ-10b, construction along the Parcel E shoreline would likely consist of installing natural-looking shoreline protection using fill and Articulated Concrete Block (ACB) mats. Under mitigation measure MM HZ-10b, before undertaking any such shoreline improvement, the Agency or Project Applicant must prepare design documents that describe how the Navy-installed cover and riprap will be evaluated to determine if their integrity could be compromised by the shoreline improvements, and how construction activities would be performed to mitigate environmental risk, including risk of redistribution of toxins and mobilization of contaminated groundwater. The Agency or Project Applicant must demonstrate to SFDPH that it will comply with all requirements incorporated into the design documents, as well as the work plans, health and safety plans, and any other document or plan required under the AOC, including the CERCLA documents, in order to obtain a permit for construction. A preliminary conceptual groundwater monitoring approach will be finalized in the Parcel E Remedial Design, and will probably be consistent with monitoring approaches presented in Parcel C and Parcel D Feasibility Study reports.¹²² At Parcel E-2, ongoing monitoring programs include Storm Water Discharge Management Program, Landfill Cover Inspection and Maintenance Program, Basewide Groundwater Monitoring Program, and Landfill Gas Control and Monitoring Program (refer to Draft EIR, page III.K-23). Other measures to reduce the potential impact of shoreline improvement construction, as indicated in mitigation measure MM HZ-10b, include the implementation of mitigation measures MM BI-4a.1, MM BI-4a.2, MM BI-5b.4, MM BI-12b.1, MM HY-1a.1, and MM HY-1a.2. As discussed above, the latter two mitigation measures will help ensure toxins are not redistributed through stormwater runoff, and include monitoring and reporting BMPs. Refer to the specific mitigation measures for more detail.

Comment C.13

In Master Response 16 (Notification Regarding Environmental Restrictions and Other Cleanup Issues) , MM HZ-15 is revised to include an express requirement to notify property owners (which would include California State Parks) when monitoring results indicate asbestos levels that have exceeded the standards set forth in the asbestos dust mitigation plan.

¹²² See Draft Feasibility Study Report for Parcel E, Appendix C (July 2009).

Comment C.14

The sole purpose of Impact HZ-18 on pages III.K-105 to -107 is to discuss the potential of the Project to result in a human health risk due to the potential disturbance of hazardous substances, including hazardous air emissions, within one-quarter mile of a school. This discussion is included in the Draft EIR because, as indicated on page III.K-48 of the Draft EIR, one of the significance criteria related to hazards and hazardous materials is whether the project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of a school. The potential for the Project to result in exposures to hazardous materials at other types of nearby properties (like CSPRA) is addressed throughout the Impacts discussion in the hazards section: for example, in Impact HZ-8 on pages III.K-71 to -77; Impact HZ-15 on pages III.K-97 to -100; and Impact HZ-16 on pages III.K-101 to -103.

Response to Comment 86-4

With regard to the auxiliary water supply system, the separated sanitary sewer system, low-pressure water system, and reclaimed water systems will extend appropriately sized services to Candlestick Point SRA. The AWSS is a dedicated fire protection system that serves to back up the low-pressure water fire protection system. The AWSS main locations will be designated by the SFFD.

With regard to a membrane bioreactor (MBR) system, the Draft EIR presents a graphic that depicts potential locations for an MBR system (refer to Figure IV-22 [Utilities Variant Location of Decentralized Wastewater Treatment Plants], which is provided on page IV-183 of the Draft EIR). However, all of these locations are preliminary; other locations could be identified, and locations that are depicted on Figure IV-22 may be eliminated from further consideration. This EIR does not analyze the impacts of an MBR in a particular location. If Variant 4 is approved with an MBR system, such a system would only be allowed as a secondary use, and the specific siting and type of MBR system would be subject to future review and discretionary approval by the Agency, including the necessary review required under CEQA. As described in Appendix T2 of the Draft EIR, in general, odors from MBR facilities can be easily mitigated by using odor control devices such as scrubbers and ensuring that the tanks, treatment works and buildings are well sealed.

Response to Comment 86-5

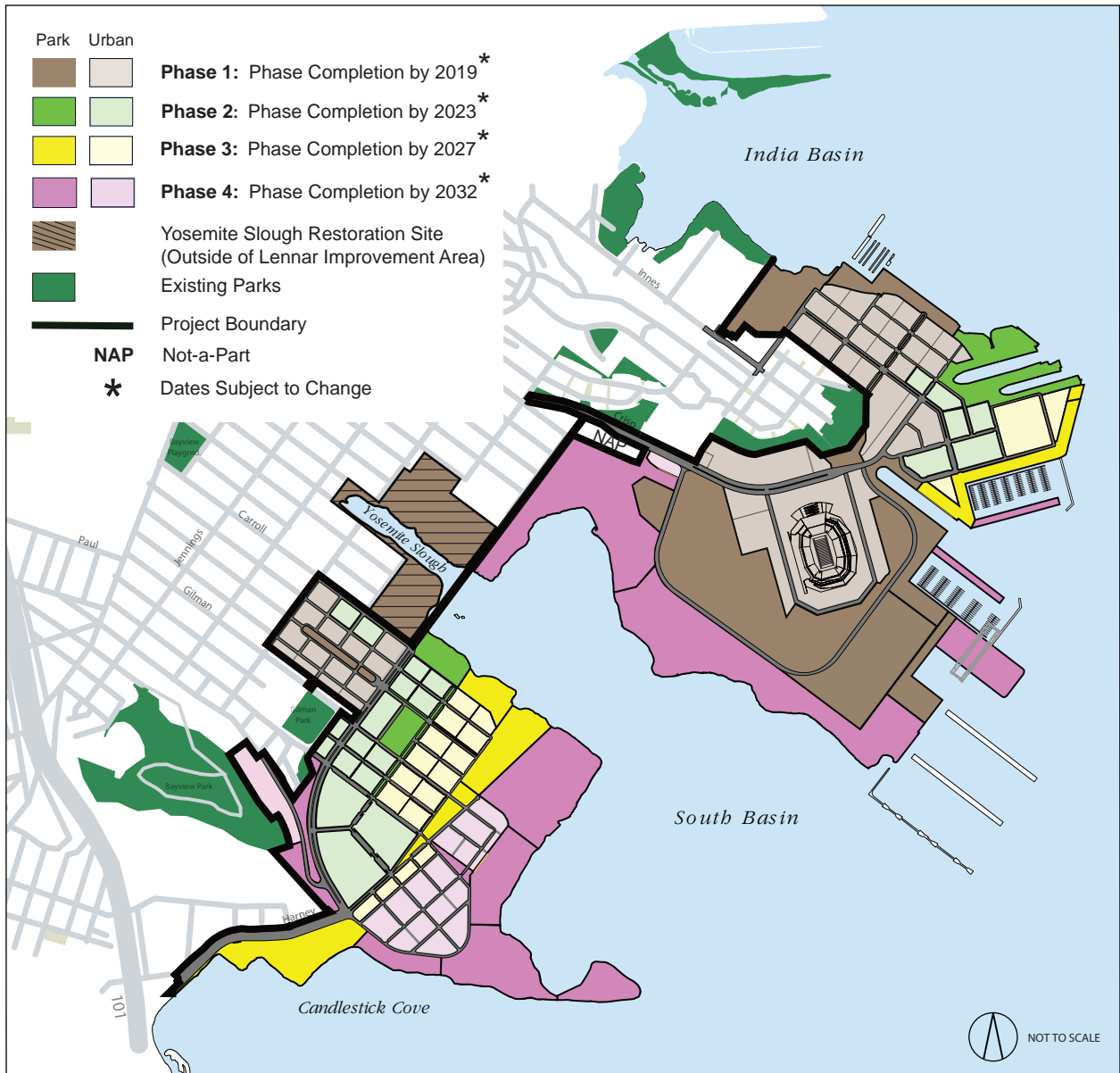
In response to the comment, Section III.B (Land Use and Plans), Draft EIR page III.B-34, second full paragraph, has been revised as follows:

... Pedestrian access to the CPSRA and the San Francisco Bay from surrounding land uses is limited. ...

In response to the comment, Figure II-17 (Proposed Building and Parks Construction Schedule) indicates that the completion dates are estimated and subject to change. CPSRA improvements outside of the control of Lennar Urban may be completed as determined appropriate by California State Parks.

In response to the comment, Chapter II (Project Description), Draft EIR page II-55, fourth paragraph, a new last sentence is added:

... several locations. The creation or expansion of beaches or tidal habitat will be determined during the public general plan process for the CPSRA.



SOURCE: Lennar Urban, 2010.

PBS&J 04.19.10 02056 | JCS | 10

Candlestick Point — Hunters Point Shipyard Phase II EIR
PROPOSED BUILDING AND PARKS CONSTRUCTION SCHEDULE

FIGURE II-17

In response to this comment, Figure II-9 (Proposed Parks and Open Space) correctly reflects the proposed Bay Trail route.

In response to this comment, Draft EIR page III.P-2, last partial paragraph, a new third and fourth sentence are added:

... underutilized (totaling approximately 73 acres). The CPSRA lands to the northeast of Yosemite Slough include a now defunct auto salvage yard, old warehouse, and two business locations that are currently occupied by a sound studio and a cabinet shop. CDPR leases the buildings to these tenants on a month-to-month basis. The southern portions ...

In response to this comment, Draft EIR page III.P-27, seventh bullet, last sentence has been revised:

... environmental education. The 44.9-acre Grasslands Ecology Park at Parcel E and the 37.2-acre Grasslands Ecology Park at Parcel E-2 on HPS Phase II are contiguous to CPSRA ~~and may be offered to the CDPR by the Agency.~~

Response to Comment 86-6

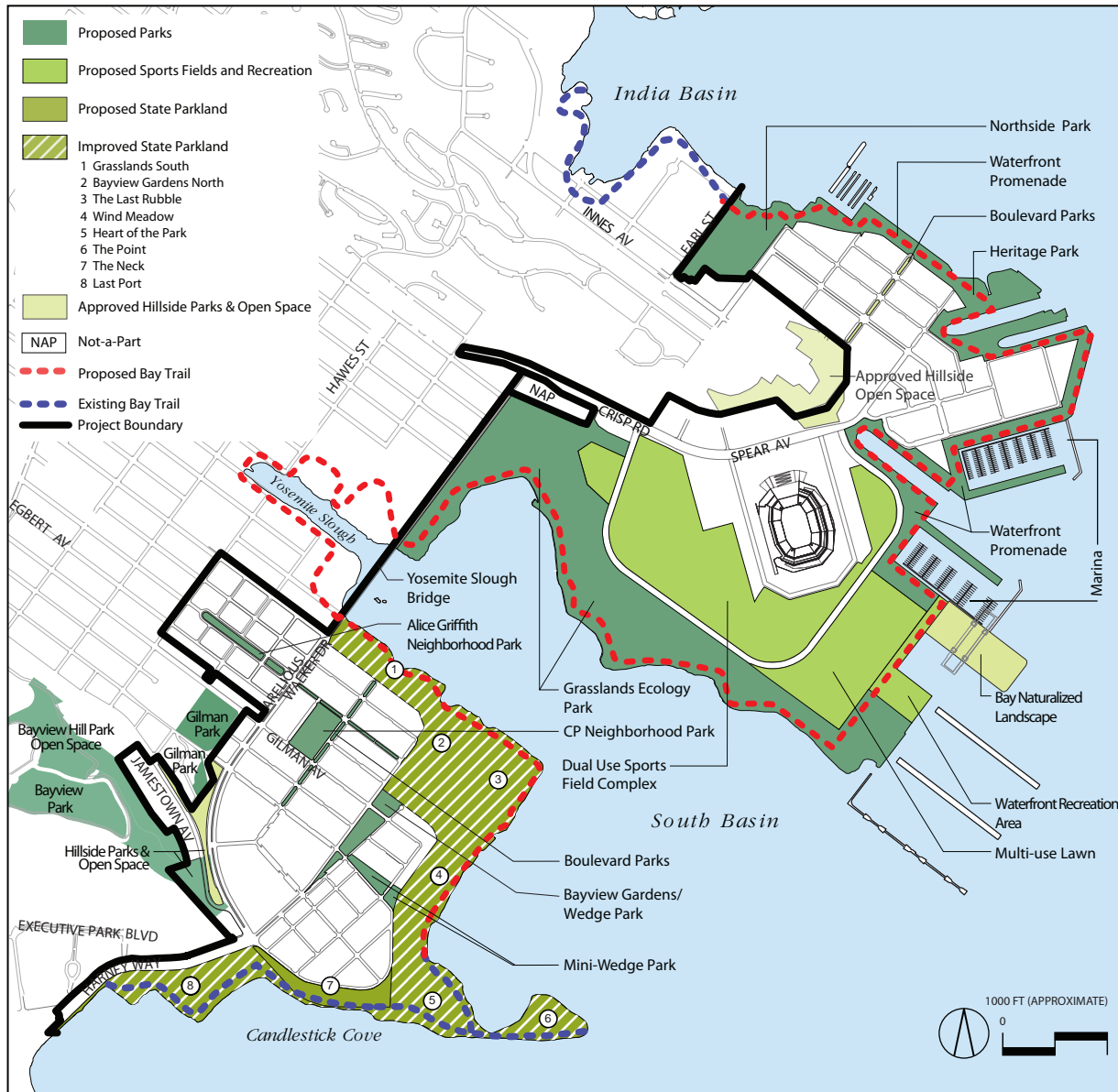
In reference to comments pertaining to potential impacts of the Yosemite Slough bridge, refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of these potential effects, including the potential impacts of the bridge on migratory and resident birds that could use the restoration site.

Potential temporary impacts to avian species, including those species that would use the Yosemite Slough restoration site, are addressed in Impact BI-2 of the Draft EIR.

The commenter is correct in pointing out that a portion of the Yosemite Slough Bridge and approach road on HPS Phase II will impact upland and wetland habitats of the Yosemite Slough Restoration Project. Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for a discussion of the impacts to wetlands of the restoration project (only temporary impacts to new restored wetlands are expected to occur), and to the new Figure III.N-7 (also provided in Master Response 3) for a map showing the potential effects of the Yosemite Slough bridge on wetlands of the restoration site. Master Response 3 also provides a discussion of mitigation for these temporary impacts to new restored wetlands of the Yosemite Slough Restoration Project.

Comments indicating that California State Parks retains the final authority over any mitigation, habitat enhancements, and planting lists for activities within CPSRA are noted and the authority of California State Parks over such activities on its lands are acknowledged.

Similarly, the commenter suggests that text in Appendix N3 of the Draft EIR, the Draft Parks, Open Space, and Habitat Concept Plan, be revised to indicate that habitat and ecology parks shown on CPSRA are concepts only; that the SRA's general plan will make final decisions regarding use and management of the SRA; and that nesting boxes will not be used in the SRA. The Draft Parks, Open Space, and Habitat Concept Plan has not been finalized. The commenter's request to include language related to the fact that the habitat and ecology parks shown on CPSRA are proposed concepts only, as the SRA's general plan will make final decisions regarding use and management of the SRA, and that nesting boxes will be provided on HPS Phase II will be forwarded to the Project Applicant and the Lead Agencies for review and consideration.



SOURCE: Lennar Urban, RHAA, 2009; PBS&J, 2010.

PBS&J 04.09.10 02056 | JCS | 10

Candlestick Point — Hunters Point Shipyard Phase II EIR
PROPOSED PARKS AND OPEN SPACE

FIGURE II-9

The commenter suggests that the Draft Parks, Open Space, and Habitat Concept Plan be revised to state that California State Parks is not responsible for financing habitat enhancement measures that the EIR proposes within the CPSRA to mitigate the Project's impacts to natural resources. This Plan does not discuss habitat restoration for mitigation purposes or otherwise suggest that State Parks would be responsible for financing any habitat enhancement measures that are required as mitigation of the Project's impacts.

The commenter's suggestions that vegetation communities be more accurately described and that a consistent naming and classification system be used are noted. As stated on Draft EIR page III.N-5, second full paragraph:

... The vegetation communities are defined according to CDFG Wildlife and Habitat Data Analysis Branch List of California Terrestrial Natural Communities,⁶⁴⁷ H.T. Harvey & Associates' wetland delineation for HPS Phase II and Candlestick Point,⁶⁴⁸ and PBS&J's Biological Technical Report prepared for the Project.⁶⁴⁹

Thus, no single naming/classification system for these communities was used. In response to the comment concerning the correct citation for the CDFG's vegetation classification system, the following revisions have been made to the text and footnote in the first paragraph under the Vegetation Communities heading from page III.N-5 of the Draft EIR:

The vegetation communities are defined according to CDFG's Vegetation Classification and Mapping Program of the Biogeographic Data Branch ~~Wildlife and Habitat Data Analysis Branch List of California Terrestrial Natural Communities~~,⁶⁴⁷ H.T. Harvey & Associates' wetland delineation for HPS Phase II and Candlestick Point, and PBS&J's Biological Technical Report prepared for the Project.

⁶⁴⁷ California Department of Fish and Game (CDFG), *The Vegetation Classification and Mapping Program: List of Terrestrial Natural Communities Recognized by the California Natural Diversity Database*, ~~Wildlife and Habitat Data Analysis Branch~~, Sacramento, California, September 2003 edition.

Response to Comment 86-7

In response to the comment, the text in Section III.B (Land Use), beginning on page III.B-10, has been revised as follows:

The Facilities Element lists the following types of recreational uses for the park: trails (hiking, jogging, and bicycling), group picnic areas, family picnic areas, group campgrounds, fishing piers, wind surfing facilities, a sand beach, a quiet area in the southeastern point, scenic overlooks, and a cultural program center. Maritime facilities proposed in the CPSRA General Plan include a non-powered boat/wind surfing rental facility; a boating center for boat classes and education; a boat access facility that includes a four-lane launching ramp; a ~~200~~251-space parking area for car-boat trailers; a boat service station; and a ferry landing. A family dinner restaurant and family picnic rest stop are proposed for the Last Port area to the west of Hermit's Cove, off Harney Way.

The facilities and land uses called for in the current CPSRA General Plan have only been partly realized. Current uses in the park include hiking, limited bicycling, day use picnicking, group picnicking, jogging, nature viewing, three sand beaches, undeveloped windsurfing, two piers used by fishermen, and three restroom buildings. The park also includes a park staff/maintenance facility, ~~140~~275 parking spaces for the developed portion of the park and a community garden. However, substantial portions (73 acres) of the park remain undeveloped (refer to Section III.P [Recreation]). Of this, approximately 40 acres of the park are used for parking for football games and other events at Candlestick Park.

Mitigation measure MM TR-38 requires the stadium operators to develop and maintain a Transportation Demand Management Plan for the stadium. One required element of that plan, as indicated on page III.D-133 of the Draft EIR, is for the stadium operator to work with CPSRA to develop measures to ensure that game day spectators do not park in CPSRA day use parking lots.

Response to Comment 86-8

A more specific description of proposed, conceptual uses for CPSRA land is provided in Section III.P (Recreation). This section clarifies at pages III.P-6 and -7 that uses at CPSRA will be determined through the General Plan Amendment process.

In response to the comment, the text in Section III.B (Land Use and Plans), the fourth paragraph on page III.B-12, has been revised as follows:

Pursuant to SB 792, no CPSRA General Plan Amendment is required for the reconfiguration of the recreation area. However, before new facilities would be developed, a CPSRA General Plan Amendment would be required to reflect the boundary changes and the proposed new uses that would located on park lands removed from the park following the reconfiguration. The proposed improvements described in Draft EIR Section III.P (Recreation) will be reviewed as one a several alternatives for the development of CPSRA. ...

The proposed reconfiguration of CPSRA includes proposed improvements to the park's facilities, which would reverse the impacts of current disrepair. As discussed in Impact RE-2, the improvements and provision of new parkland throughout the Project site will prevent deterioration of existing facilities.

The text on Draft EIR pages III.P-30 and -31 discusses the importance of concurrency between residential development and park improvement. Mitigation measure MM RE-2 ensures that park development will keep pace with residential development and that the Project site's parkland ratio will remain high enough to prevent overuse and deterioration of facilities.

The cited paragraph is intended to discuss parks outside the Project site. Thus, in response to the comment, the first paragraph, first sentence, Section III.P, page III.P-30, has been revised as follows:

Despite the availability of sufficient park acreage on the Project site, new residents or employees of the Project site may also choose to use existing ~~nearby~~ parks outside of the Project site (refer to the Setting section for discussion of nearby parks), which could result in the deterioration or degradation of those existing resources. ...

The comment regarding bicycle use of the Bay Trail is noted.

Section III.F (Shadows) discusses shadow effects on CPSRA on pages III.F-8, -10, -14, -18, -23, and -26 and in the accompanying figures. This discussion shows that new shadow on CPSRA would be limited. Almost all of the new shade created by the Project and falling on CPSRA would be experienced in afternoon periods in the winter months of November through January, when park use is likely to be reduced and cooler temperatures and shade are an accepted part of the winter environment. Shadow impact on CPSRA would be less than significant. Wind effects at CPSRA are discussed on page III.G-7. Mitigation measure MM W-1a would reduce any impacts to a less-than-significant level.

Response to Comment 86-9

Refer to Response to Comment 82-18 for a discussion of the ability of the community facilities district (CFD) or similar funding mechanism to fund improvements along the Candlestick Point shoreline that protect park facilities as well as other Project improvements.

Refer to Master Response 8 (Sea Level Rise) and Responses to Comments 36-2, 57-1, and 58-3 for a comprehensive discussion of the sea level rise documents reviewed, the levels of sea level rise taken into account for various Project components, and the plan to provide flood protection if higher levels of sea level rise occur. At the time of construction of the adaptive management measures to account for additional increases in sea level rise, approvals from regulatory agencies will be required and designs will be reviewed to ensure that to the maximum extent possible public views of the bay will be maintained.

With respect to responsibility of CPSRA for flood management within the Project area, the Draft EIR is referring to CPSRA's responsibility for the land under their jurisdiction within the Project area (Candlestick Point parks).

Response to Comment 86-10

The Draft EIR includes a project-level analysis that quantifies potential water quality impacts, identifies feasible mitigation measures, and is adequate for CEQA requirements. Best management practices for stormwater management, as described in mitigation measures MM HY-1a.1, MM HY-1a.2, and MM HY-6a.1, would be designed to benefit water quality and aquatic resources, which could provide benefit to the CPSRA. While the commenter requests that alternative stormwater management strategies are evaluated, the analysis contained in Section III.M (Hydrology and Water Quality) of the Draft EIR provides feasible mitigation measures to reduce all impacts to a less-than-significant level. No additional analysis of stormwater management techniques is required.

The commenter requests that California State Parks be provided the opportunity to review and approve the stormwater facilities to be located within the CPSRA, and it is acknowledged that CDPR would approve any improvements to CPSRA land. The details of that process would be set forth in the Park Reconfiguration Agreement between the Agency and CDPR.

Mitigation measure MM HY-6a.1, starting on page III.M-82 of the Draft EIR, requires the Project Applicant to prepare a Storm Water Control Plan (SCP) and a Stormwater Drainage Master Plan (SDMP). The treatment control best management practices identified in the SCP shall be designed in accordance with the SFPUC's San Francisco Stormwater Design Guidelines. Also in accordance with the San Francisco Stormwater Design Guidelines, the Project SCP shall incorporate to the extent feasible, low impact development principles that include site design and treatment control measures, which would treat runoff close to the source.

Appendix A (BMP Fact Sheets) of the San Francisco Stormwater Design Guidelines include the design criteria for treatment control BMPs, including how the BMPs should be designed to bypass flows in excess of the required design storm. The infrastructure design for the stormwater treatment bypass would be included in the SDMP. In response to the comment J.2, and to ensure that extreme flow events are managed by the BMPs, the text in mitigation measure MM HY-6a.1, starting on page III.M-83, has been revised as indicated above.

In response to the comment J.3, the text in mitigation measure MM HY-1a.2, starting on page III.M-61 of the Draft EIR, has been revised as follows (the following represents only the first paragraph of the mitigation measure, and the remaining part of the mitigation measure has not been changed):

MM HY-1a.2 Stormwater Pollution Prevention Plan: Separate Storm Sewer System. Consistent with the requirements of the SWRCB General Permit for Storm Water Discharges Associated with Construction and Land Disturbing Activities (Construction General Permit), the Project Applicant shall undertake the proposed Project in accordance with a project-specific Storm Water Pollution Prevention Plan (SWPPP) prepared by Qualified SWPPP Developer, who shall consult with California State Parks on those elements of the SWPPP that cover the Candlestick Park State Recreation Area, including selection of best management practices and other SWPPP improvements. The SFRWQCB, the primary agency responsible for protecting water quality within the project area, is responsible for reviewing and ensuring compliance with the SWPPP. This review is based on the Construction General Permit issued by the SWRCB.

As described in mitigation measure MM HY-6a.1, the Project Applicant shall submit a SCP in accordance with the San Francisco Stormwater Design Guidelines to the SFPUC for approval. The use of swales, wetlands, and other stormwater treatment measures to control pollutants to the maximum extent practicable to protect water quality satisfies the requirements of the San Francisco Stormwater Design Guidelines (described on pages III.M-47 through III.M-48), which satisfy the requirements of the Municipal Stormwater General Permit (described on pages III.M-37 through III.M-38). Implementation of mitigation measure MM HY-6a.1 would reduce the impacts to nearshore water quality in the Bay resulting from stormwater runoff to a less than significant level. Therefore, the Draft EIR is not required to examine other stormwater management approaches (including the feasibility of discharging runoff via outfalls extending offshore).

As shown in Table III.M-5, on page III.M-96, the change in Project flows from the existing stormwater runoff flows results from the Project impervious area being reduced from 72 percent in the existing condition to 54 percent for the Project condition. The flows in Table III.M-5 are discharges to the separate stormwater drainage system, except for flows from Candlestick Point, identified in parenthesis, which represent existing stormwater flows to the combined sewer system. The decrease in the peak runoff rate at Candlestick Point of 228 CFS or 48% with Project implementation is not a function of whether the discharge is conveyed to the combined sewer or separate storm drain systems, but rather is due to the reduction in impervious area resulting from Project implementation. The effects of BMPs have not been accounted for because the Project SCP has not yet been developed.

In response to the comment, the title of Table III.M-5 (Estimated Existing and Project Stormwater Peak Flow Rates and Runoff Volumes Without BMPs), Draft EIR page III.M-96, has been revised as follows:

Also in response to the comment, the following sentence has been added to the first paragraph under Impact HY-10, Draft EIR page III.M-96:

... Because of the increase in permeable surface area, infiltration would be expected to increase, resulting in a corresponding decrease in runoff volumes. Grading would reduce slopes at both sites, slowing runoff rates. The runoff flow rates and volumes do not account for the effect of Project BMPs.

Table III.M-5 Estimated Existing and Project Stormwater Peak Flow Rates and Runoff Volumes Without BMPs [Revised]

Storm Event	Existing (cfs) ^b	Project (cfs) ^c	Project Increase ^a	
			(cfs)	(%)
Candlestick Point				
5-Year	477 (130) ^d	249 (0) ^d	-228	-48%
10-Year	545	284	-261	-48%
100-Year	783	408	-375	-48%
Hunters Point Shipyard^e				
5-Year	644	448	-196	-30%
10-Year	730	509	-221	-30%
100-Year	1,052	733	-319	-30%
2-year 24-hour (acre-feet)				
Candlestick Point	36	20	-16	-44%
HPS Phase II	64	39	-24	-38%

SOURCE: PBS&J 2009

- a. A negative number denotes a reduction in Project flow rates compared to existing conditions.
- b. Existing flows are based on 72 percent impervious surfaces (505.3 acres).
- c. Project flows are based on 54 percent impervious surfaces 9(379.1 acres).
- d. Values in parenthesis denote the amount of total Candlestick Point site runoff flowing to the combined sewer system.
- e. Off-site flow from HPS Phase I is not included in these runoff calculations. Required HPS Phase I diversions into the HPS Phase II separate stormwater sewer system would be 108 cfs.

The City through SFPUC would assume responsibility for operation and maintenance of any stormwater drainage facilities that were primarily for the benefit of the larger development Project but out of necessity located within the CPSRA. This would be accomplished through a City utility easement. In response to the comment, the text in mitigation measure MM HY-6a.1, starting on page III.M-82, has been revised as indicated above.

Appendix M1 of the Draft EIR, page 10, paragraph 3 summarizes the data sources for pollutant concentrations in stormwater runoff that were used to estimate the change in annual pollutant loads resulting from the Project without the incorporation of BMPs for stormwater management (Table III.M-3 on page III.M-81 of the Draft EIR, and Table III.M-4 on page III.M-87 of the Draft EIR).

The California State Park’s recommendation to include a program to monitor trash and pollutants in stormwater prior to its discharge to the CPSRA will be forwarded to the decision makers for their consideration prior to approval or denial of the Project.

As stated on page III.Q-30 of the Draft EIR, with Project implementation, Candlestick Point would not contribute stormwater to the combined sewer system. Therefore, existing flows within the CPSRA would not be diverted to the combined sanitary sewer, but would discharge into a newly constructed separate stormwater drainage system. Stormwater runoff treatment requirements for the Project are described in mitigation measure MM HY-6a.1, starting on page III.M-82 of the Draft EIR. Stormwater runoff discharge locations would be provided in the SCP and SDMP, and preparation of these documents is discussed in mitigation measure MM HY-6a.1. As indicated above, the City through the SFPUC would assume responsibility for operation and maintenance of any stormwater drainage facilities located within the CPSRA that are primarily for the benefit of the larger development Project.

In response to the comment, the text on pages 2 to 3 (of 5) of Appendix Q3 of the Draft EIR has been revised as follows:

Currently, the CP site contributes sanitary sewage to the CSS via gravity sewers from three locations: the stadium, the Alice Griffith housing development, and the RV Park on ~~State Park grounds~~ Gilman Avenue. The existing sanitary flows from these three sources are as follows:

- ...
- The existing sanitary flow from the ~~State Park~~ RV Park is based on average monthly meter data for the period January, 2007 through September, 2009 provided by SFPUC (via email from Hayden Kam, September 30, 2009).

As stated above, CDPR would have the opportunity to review and comment on the components of the SCP and SDMP that would convey stormwater discharges into the CPSRA. The use of stormwater best management practices at Candlestick Point that rely on infiltration will be evaluated during development of the Project-specific Stormwater Control Plan (SCP). Mitigation measure MM HY-6a.1, as described starting on page III.M-82 of the Draft EIR, requires preparation of a Project-specific SCP.

Response to Comment 86-11

Figure 28 in the Transportation Study (Appendix D of the Draft EIR) illustrates the geographic distribution of Project-generated traffic and is not intended to describe vehicle access to the CPSRA parking lots. Draft EIR Chapter II (Project Description) includes information and figures regarding proposed access to the CPSRA: Figure II-11 (Proposed Street Network), Figure II-12 (Proposed Roadway Improvements), and Figure II-14 (Proposed Bicycle Routes). (Figure II-12 has been revised in Response to Comment 7-1 to clarify the two separate proposed projects at the new US-101 interchange and to eliminate Phase I and Phase II improvements.) As presented in the Chapter II, Draft EIR pages II-35 to II-39, Project transportation improvements would provide new roadway, pedestrian, and bicycle facilities that as illustrated in the figures would serve as access to the CPSRA. (Refer also to Transportation Study (Appendix D) Figure 4, which presents the proposed roadway improvements; Figure 7, which presents proposed transit improvements; Figure 8, which presents proposed bicycle and bay trail improvements; and Figure 9, which presents proposed pedestrian improvements.) The Draft EIR does not identify specific access points for parking at the CPSRA. As described in Draft EIR Chapter II, page II-28; Section III.B (Land Use and Plans), pages III.B-10 to 12; and Section III.P (Recreation), page III.P-6 to 7, the CPSRA General Plan Amendment will provide a public process to evaluate past uses and determine future uses and facilities, including parking and other visitor access. The Project proposals that would provide new vehicle, pedestrian and bicycle improvements along the CPSRA frontage would facilitate safe and convenient access to driveways and parking at CPSRA.

Way-finding signage and similar features to facilitate visitor access to CPSRA would be part of the CPSRA General Plan Amendment process and as well as the refinement of streetscape plans for the Project.

The Project would include new open space with direct access to the CPSRA, as noted on Draft EIR page II-30, and Figure II-9 (Proposed Parks and Open Space), showing that Bayview Gardens/Wedge Park, Mini-Wedge Park, and boulevard parks at Candlestick Point would lead directly to CPSRA. (Revised Figure II-9 is presented in Response to Comment 86-5.) Further, the proposed configuration of Harney Way, which would likely continue to provide access to CPSRA, would include a number of pedestrian

amenities designed to improve shoreline access. The reconstruction would include two new signalized intersections, at Thomas Mellon Drive and Executive Park East. Each of these new signalized intersections would provide new crosswalks across Harney Way and allow controlled crossings for pedestrians. The reconstructed Harney Way has also been designed in two phases—the first being a narrower, interim phase, and the second being a slightly wider ultimate phase when traffic volumes warrant—such that pedestrian crossing distances remain as short as possible for as long as possible. Section III.D (Transportation and Circulation), Figure III.D-7 and Figure III.D-8 show both phases of Harney Way plans, with pedestrian and bicycle access to CPSRA on those segments of roadway. Figure III.D-12 (Project Parking Supply) also notes that general on-street parking would be available on parts of the CPSRA frontage.

Project features, including the Bay Trail and Yosemite Slough Bridge would provide access to shoreline open space from US-101 on the south to India Basin north of HPS. Other public open space, such as Bayview Park, is not directly accessible from candlestick point because of steep topography and lack of trails. Figure III.D-11 (Project Pedestrian Circulation Plan) illustrates a proposed improved trail to Bayview Park from outside the Project site at Key Avenue.

Overall, Project impacts to pedestrian and bicycle conditions were found to be less than significant and no mitigation measures, such as grade-separated access to CPSRA, would be required.

Refer to Response to Comment 47-38 through 47-40 for further discussion regarding the increase in roadway noise levels due to implementation of the Project and the potential impacts that such an increase would have on CPSRA users. As described in the responses, such increases in roadway noise levels would result in less-than-significant impacts to users of the CPSRA. With respect to local air quality impacts, refer to Draft EIR Section III.H (Air Quality); Section F (Draft EIR Revisions) of this Comments & Responses document for text changes related to air quality; Responses to Comments 47-42, 47-44, 82-2, and SFRA1-20; and Master Response 19 (Proposed BAAQMD Guidelines).

Response to Comment 86-12

The proposed bridge design includes pedestrian connections to the bridge from the Bay Trail around Yosemite Slough. South of Yosemite Slough, the Bay Trail would veer to the south of the edge of the slough by about 250 feet to the signalized intersection of Arelious Walker Drive and Carroll Avenue. Pedestrian- and bicycle-actuated signals and crosswalks would be provided at the intersection. A separate path would also be provided to connect with overlook decks on either side of the bridge, to the 12-foot wide Class I bicycle lane and 7-foot-wide sidewalk on the east side of the bridge, and to the 40-foot wide bicycle/pedestrian pathway on the west side of the bridge. North of Yosemite Slough, the Bay Trail would veer to the south of the proposed Bay Trail alignment to a pedestrian- and bicycle-actuated crossing of Yosemite Slough Bridge about 150 feet north of the slough. The crossing would also connect with the Class I bicycle path and the sidewalk that would be provided on the east side of the Yosemite Slough Bridge and to the 40-foot-wide bicycle/pedestrian parkway.

The bridge has been designed to facilitate passage of non-motorized recreational vessels, such as canoes and kayaks. The clearance at the middle of the span would be over 18 feet at mean tide levels, which would be adequate for this type of use. During 100-year flood events, the clearance would decrease to just under 13 feet.

Accounting for projected sea-level rise of 36 inches for the Project development, the clearance would decrease by 36 inches, but would remain over 15 feet at mean tide levels and over 10 feet during 100-year flood events. This would be adequate for kayaks, canoes, and other non-motorized “paddle craft.” Further, in a July 27, 2009 letter from the U.S. Coast Guard (Coast Guard) to the City,¹²³ the Coast Guard indicated that no bridge permit would be required because the bridge design would allow the existing use (or potential use) of the slough by vessels up to the size of small motorboats.

Additional graphics have been included (refer to Section F [Draft EIR Revisions] of this document) to provide further clarification regarding the views from the Yosemite Slough. The bridge will include pedestrian/bicycle paths on both sides to provide viewing opportunities for pedestrians and bicyclists.

Refer to Master Response 3 (Impacts of the Project on Yosemite Slough [Biological Resources]) for discussion of the bridge’s impacts to biological resources. Refer to Master Response 3 and Responses to Comments 47-41 for a discussion of vibration from bridge construction and traffic on the slough. Refer to Master Response 4 (Purpose and Benefits of Yosemite Slough Bridge) for discussion of the negative consequences of routing the BRT around Yosemite Slough.

In response to the comment suggesting that effects of coffer dams be mitigated, text has been added to mitigation measure MM BI-4a.2 on page III.N-63 of the Draft EIR to indicate how temporarily impacted wetlands and other jurisdictional waters should be restored following construction. Refer to Master Response 3 for this text change.

The comment is acknowledged. The aesthetic issues of bridge colors, materials and surfacing have not been defined to date. The bridge abutments could utilize any number of surfacing material and colors. If they are concrete, integral coloring or aggregate could be used to match or complement the existing site’s rock/soil color. It may be preferable to use a light-colored surface under the bridge where the Bay Trail passes underneath to make the undercrossing lighter and more inviting. This will be determined as bridge plans are finalized.

If, as Project plans are finalized, any temporary access roads or contractor laydown areas differ from those depicted in the Draft EIR; additional environmental documentation may be required.

Response to Comment 86-13

Growth-inducing impacts were fully evaluated on pages V-10 through V-14 of the Draft EIR. Pages V-10 through V-11 of the Draft EIR state that:

Growth can be induced in a number of ways, including the elimination of obstacles to growth or through the stimulation of economic activity within the region. The discussion of removal of obstacles to growth relates directly to the removal of infrastructure limitations or regulatory constraints that could result in growth unforeseen at the time of Project approval.

In general, a project may foster spatial, economic, or population growth in a geographic area if it meets any one of the criteria identified below:

- The project establishes a precedent-setting action (e.g., a change in zoning or general plan amendment approval)

¹²³ Letter from the U.S. Coast Guard to Peg Devine, Department of Public Works, City and County of San Francisco. July 27, 2009.

- The project results in the urbanization of land in a remote location (leapfrog development)
- The project removes an impediment to growth (e.g., the establishment of an essential public service, or the provision of new access to an area)
- Economic expansion or growth occurs in an area in response to the project (e.g., changes in revenue base, employment expansion, etc.)

If a project meets any one of these criteria, it may be considered growth inducing. Generally, growth-inducing projects: (1) are located in isolated, undeveloped, or underdeveloped areas, necessitating the extension of major infrastructure, such as sewer and water facilities or roadways; or (2) encourage premature or unplanned growth.

With respect to growth related to the CP-HPS Project, it would most likely occur as a result of economic growth, and page V-14 of the Draft EIR concludes the following:

Therefore, the positive revenue stream and the resulting increased economic viability of the Project site could result in indirect growth-inducing impacts.

However, the Project would implement a number of smart-growth principles, including:

- Mixed uses that promote living and working in the same area to limit vehicle miles traveled
- Uses oriented around existing and proposed transit to discourage use of the personal vehicle
- Transit connectivity so other City residents can take advantage of the opportunities offered by the Project
- Pedestrian and bicycle pathways to encourage these alternative methods of transportation
- Bicycle racks and pedestrian seating in prominent locations to encourage walking and cycling activities
- A mix of recreational uses to provide for the recreational needs of the community

Implementation of these features would limit indirect growth-inducing impacts by providing all necessary services within one development. Provision of most, if not all, needed services and amenities within the Project would reduce the need to develop such uses elsewhere in the City.

Further, the City and Agency have a planning and entitlement process for all development projects to ensure that environmental impacts are addressed, including impacts related to access, views, visual quality, and water quality. This process would apply to any future development projects in the vicinity of the Yosemite Slough, and the agency would continue to work with the California State Parks if any future development would potentially impact the CPSRA. Any future development in the vicinity of the Yosemite Slough would also be required to analyze that development's consistency with the City's plans and policies, including but not limited to the City of San Francisco's General Plan and the BVHP Area Plan which provide for protection and consideration of impacts to the CPSRA from future development. Further as the Draft EIR includes a cumulative analysis of all impact areas, the combination of the Project with all reasonably foreseeable development has also been addressed in Chapter III (Environmental Setting, Impacts, and Mitigation Measures) under each issue area.

Response to Comment 86-14

Chapter III.C.1, page III.C-4, paragraph 3, does not contain the language to which the commenter refers (Chapter III.C relates to population, employment, and housing).

However, Chapter III.P, beginning at page III.P-2 under "CPSRA," contains the following language, which has been changed as follows:

CPSRA (120.2 acres), on the shoreline of Candlestick Point, was acquired ... underutilized (totaling approximately 73 acres). The CPSRA lands to the northeast of Yosemite Slough include a now defunct auto salvage yard, old warehouse, and two business locations that are currently occupied by a sound studio and a cabinet shop. CDPR leases the buildings to these tenants on a month-to-month basis. The southern portions ... Until recently, the Last Rubble area was characterized by large piles of rubble and debris, remnants of the site's previous use as a dumping ground. California State Parks, with a grant from the California Integrated Waste Management Board, removed 10 acres of rubble and debris in 2009. The California Integrated Waste Management Board completed a rubble and debris removal project in April 2009. As a result of this, the majority of the rubble and debris was either removed or crushed on site. Yosemite Slough is part of the CPSRA, but is not within the Project site except for at its neck, where the proposed bridge would be constructed.

Response to Comment 86-15

As shown on Figure II-10 (Proposed CPSRA Reconfiguration), Draft EIR page II-29; Figure III.P-3 (Proposed CPSRA Reconfiguration), page III.P-18; and Figure III.P-8 (Aerial View of CPSRA within the Project Site [Excluding the Yosemite Slough]), page III.P-24, the change in CPSRA boundary on the north side of Yosemite Slough required to accommodate the proposed bridge would be very small, removing approximately 0.8 acre from the park. Any such reconfiguration would "substantially conform" to the diagram included in Senate Bill 792 (SB 792), as required by Section 26(a)(4) of the statute. The Project is, therefore, consistent with SB 792. The precise locations of the future boundaries of CPSRA and the proposed bridge have not yet been determined. The Agency and the City look forward to working with the California Department of Parks and Recreation in developing the details of the reconfiguration.

Figure II-8 and Figure III.P-3 have been revised and presented in Response to Comment 50-23 to correct the legend and clarify the park boundaries around the stadium site.

Response to Comment 86-16

In response to the comment, the second sentence of the first paragraph under Table II-7, Draft EIR page II-28, is revised as follows:

... Prior to construction of park improvements, the California Department of Parks and Recreation (CDPR) must undertake a ~~community~~ public planning process and complete an update to the general plan.

In response to the comment, the second sentence in the first paragraph under the Ecological Enhancement of Parks and Open Space Areas heading on page II-33 is revised as follows:

... The following ecological enhancement measure would be implemented in open space areas outside the CPSRA. At the CPSRA, ecological enhancements would be identified during the CDPR ~~community~~ public planning process and CPSRA general plan update described above and could include the enlisted measures or other measures ...

Response to Comment 86-17

The comment cites the Draft EIR discussion on page III.J-21 on historic resources at Candlestick Point. Page III.J-21 refers only to historic architectural resources, not archaeological resources, including maritime remains, as discussed below.

Section III.J, page III.J-20, notes the potential for buried ship resources at the Project site, including at Candlestick Point:

Buried ship resources may include shipwrecks, abandoned hulks, and ships that were converted into residences during the 1930s. Numerous ships have been found buried in San Francisco, most of which were buried as the city's shoreline was extended during land filling operations. A search of the California State Lands Commission's online shipwreck database revealed six ships that wrecked in or in close proximity to Hunters Point. Fragments of these wrecks and their cargo may have washed ashore or used as landfill and may be buried within the Project site as the shoreline was filled in. Few shipwrecks that date to the nineteenth century have been archaeologically studied and documented. Most of the studies have involved only the portion of the wreck that was encountered or the bottom of the hulls. Documentation of complete vessels is extremely rare. Although these deposits may not be complete specimens or in their original location, remains of shipwrecks, abandoned hulks, and ship cargo may be able to answer important research questions relating to maritime trade, ship wrecks, abandonment, or reuse of the wreck.²⁴⁹

Waterfront infrastructure resources may include wharves, retaining walls, driven piles, ship-breaking yards, and hardware related to the construction of these resources.

Any sites that contain onshore or offshore maritime archaeological deposits that have the potential to adequately address research questions such as those presented in the Archaeological Research Design and Treatment Plan for the Project²⁵⁰ would be considered significant archaeological resources.

Impact CP-2a (Impact at Candlestick Point on Archaeological Resources), Draft EIR page III.J-36, also recognizes the potential for effects on maritime resources:

Impact CP-2a Construction at Candlestick Point would not result in a substantial adverse change in the significance of archaeological resources, including prehistoric Native American, Chinese fishing camp, and maritime-related archaeological remains [emphasis added]. (Less than Significant with Mitigation) [Criterion J.b]

The Archaeological Research Design and Treatment Plan for the Project noted in the Draft EIR as part of the mitigation measure would ensure appropriate treatment for any discovered maritime remains at Candlestick Point.

Response to Comment 86-18

The sentence on page III.K-91 noted by the commenter refers to existing natural conditions that reduce the severity of potential impacts on the environment. Further down on the same page in the discussion specifically regarding dust control, the Draft EIR states:

... natural environmental conditions would also be a factor in minimizing the potential for contaminated dusts to adversely affect ecological systems. Avian species could be exposed to windblown dust through inhalation and ingestion during preening and prey consumption. Although various avian species use Candlestick Point for nesting and foraging, the mobility of the bird species results in their use of a relatively large home range and foraging range. Due to this mobility, avian species would not be present in one foraging area for an extended period of time in which they could receive substantial exposure to contaminants in dust. ...

Refer to pages III.K-91 through III.K-92 for further discussion of this and similar examples.

Response to Comment 86-19

The City is interested in exploring opportunities for coordination between the Police Department and CPSRA law enforcement personnel. Similarly, neither the City nor the developer intends to ask State Parks personnel to provide security for construction sites or law enforcement services outside of CPSRA. Specific law enforcement policies are, however, outside the scope of environmental review.

CEQA requires analysis of whether increased demand for law enforcement services would result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. Refer to Draft EIR pages III.O-8 through -12 for discussion of impacts related to police services. Thus, particular law enforcement policies are not relevant to the content of the EIR. Moreover, while the Project and the proposed improvement of CPSRA may increase demand for State Park law enforcement services, any new personnel would be housed in the facilities proposed to be constructed as part of the park improvements. Impact RE-1 discusses the environmental effects of constructing such facilities, and concludes that such impacts would be less than significant.

Response to Comment 86-20

Refer to Response to Comment 47-63 for a discussion of the *Land and Water Conservation Fund Act*.

Response to Comment 86-21

In response to the comment, the text in Section III.P, page III.P-32, has been revised as follows:

...Moreover, the agreement between CDPR and the City or the Agency, providing for the reconfiguration of CPSRA, would also provide ~~at least \$10 million in substantial~~ funding for operation and maintenance of the park. The precise amount of operations and maintenance funding to be provided has not yet been determined, but per the requirements of SB 792, it is likely to be at least \$10 million. This funding will further enable the park to accommodate increased demand.

Response to Comment 86-22

The Draft Parks, Open Space, and Habitat Concept Plan has not been finalized. The commenter's request to include language related to providing opportunities for interpretation and for people to explore nature, learn about global climate change, and acquire environmental literacy will be forwarded to the Project Applicant and the Lead Agencies for review and consideration.

Response to Comment 86-23

The Draft Parks, Open Space, and Habitat Concept Plan has not been finalized. The commenter's request to include language related to providing for discovery and personal connection with the natural and cultural resources and to achieve environmental literacy will be forwarded to the Project Applicant and the Lead Agencies for review and consideration.