

MEMO TRANSMITTAL

From the Desk Of:

Daniel Welsh, Chief
Natural Resource Damage Assessment Branch
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
3310 El Camino, Suite 130
Sacramento, CA 95821
Phone (916) 979-2110
FAX (916) 979-2128

Date: July 9, 1999

To: Tami Angel, National Park Service, Denver

Subject: Original Copies of Public Comments

Tami,

Attached for your administrative record files are the original comment letters and alternative project summaries submitted by the public during the scoping phase of the Cape Mohican Oil Spill restoration planning process. Also included is the original copy of a letter dated June 18 from the Port of San Francisco that addressed issues raised in the comment letter submitted to the Trustee Council by the San Francisco Bay Conservation and Development Commission. Copies of all of these documents have already been distributed to you and the other Trustee Council members, but I thought you might like to have the originals for the administrative record.

If you have any questions please call me at (916) 979-2110.



Thanks, Dan Welsh

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
3310 El Camino Avenue, Suite 130
Sacramento, California 95821-6340

IN REPLY REFER TO:
FWS/EC-99-052

June 8, 1999

Ms. Tamara Angel, Chair
Cape Mohican Trustee Council
c/o National Park Service
12795 West Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

Subject: Public Comments on Potential Restoration Projects for Natural Resources Impacted by the *Cape Mohican* Oil Spill

Dear Ms. Angel:

The U.S. Fish and Wildlife Service (Service) has compiled the public comments that we received on the document titled 'Potential Restoration Projects for Natural Resources Impacted by the *Cape Mohican* Oil Spill: A Public Scoping Document.' Copies of all written comments and alternative project proposal summaries are enclosed. The public comment period began on April 2 and ended on June 2, 1999.

Written comments were received from the following individuals and/or groups:

- Steven McAdam, San Francisco Bay Conservation and Development Commission
- Carol Bach, Port of San Francisco
- Barbara Salzman, Marin Audubon Society
- Arthur Feinstein, Golden Gate Audubon Society
- Pete Halloran, California Native Plant Society
- Ann Cochrane, San Francisco Conservation Corps
- Richard Bartke, GGNRA and PRNS Citizen's Advisory Committee
- Greg Moore, Golden Gate National Parks Association
- Arlene Rodriguez, Golden Gate National Parks Association
- William Sydeman, Point Reyes Bird Observatory

Alternative project proposals were received from the following individuals or groups:

- Ruth Gravanis (Treasure Island Wetlands Project)
- Ronald Miska, Marin County Open Space District (Bollinas Lagoon Fill Removal)

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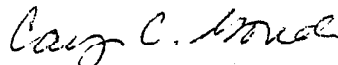
Ms. Tamara Angel

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- John Weber, BCDC (Hamilton Wetlands Restoration Project)
- Fred Griffin, Bodega Marine Laboratory (Reproductive Stocks of Pacific Herring in San Francisco Bay and California)

Although the Service was listed as the contact point for submitting public comments, it is possible that some public comments were sent to you or other members of the Trustee Council. If you received any public comments or alternative project proposals, please bring them to the June 24 Trustee Council meeting. If you have any questions about this compilation of public comments, please contact Dan Welsh at (916) 979-2110.

Sincerely,



Cay C. Goude
Acting Field Supervisor

Enclosure

cc: Marge Kolar, FWS, Newark, CA
Chuck McKinley, DOI, San Francisco, CA
Teri Thomas, NPS, San Francisco, CA
Don Lollock, CDFG-OSPR, Sacramento, CA
John Tarpley, CDFG-OSPR, Vallejo, CA
Cathy Verrue-Slater, CDFG-OSPR, Sacramento, CA
Nick Franco, CDPR, Angel Island, CA
Ed Ueber, NOAA, San Francisco, CA
Katherine Pease, NOAA, Long Beach, CA
(w/enclosure to each)

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SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

THIRTY VAN NESS AVENUE, SUITE 2011
 SAN FRANCISCO, CALIFORNIA 94102-6080
 PHONE: (415) 357-3686

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FISH & WILDLIFE OFFICE

June 2, 1999

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FBI - SAN FRANCISCO			

Dan Welsh
 Natural Resource Assessment Damage Biologist
 U.S. Fish and Wildlife Service
 3310 El Camino Avenue, Suite 130
 Sacramento, CA 95821-6340

SUBJECT: Proposed Restoration Projects, *Cape Mohican* Natural Resources Damages Settlement Trust Fund

Dear Mr. Welsh:

The San Francisco Bay Conservation and Development Commission is pleased to have this opportunity to comment on the public scoping document, "Potential Restoration Projects for Natural Resources Impacted by the Cape Mohican Oil Spill" ("Scoping Document"), dated April 6, 1999. As a state-mandated proponent of marsh, fish and wildlife habitat restoration and the provision of public access and recreation opportunities, BCDC fully supports the approach of the Trustees to these restoration projects.

This letter provides staff comments, as the Commission itself did not have an opportunity to review the proposal. They are based on the McAteer-Petris Act (Government Code Section 66600 et seq.) and the resource protection policies contained in the Commission's applicable adopted plans: the *San Francisco Bay Plan* ("Bay Plan"), the *San Francisco Bay Area Seaport Plan* ("Seaport Plan") and the *San Francisco Waterfront Special Area Plan* ("Special Area Plan"). By extension, these documents form in part the Commission's federally-approved coastal management plan for San Francisco Bay prepared under the federal Coastal Zone Management Act (CZMA). With the hard copy of this letter, we are sending copies of the McAteer-Petris Act, the *Bay Plan*, and the *Seaport Plan* for your reference.

BCDC Jurisdiction and Permitting Authority Affecting the Proposed Projects. Pursuant to Government Code Section 66610, the Commission's jurisdiction includes all areas subject to tidal action up to the mean high tide line, including all sloughs, marshland lying between the mean high tide and five feet above mean sea level, tidelands, and submerged lands. It also includes salt ponds and managed wetlands diked off from the Bay that were used during the three-year period from 1966 through 1969. The Commission's "shoreline band" includes a 100-foot-wide area inland from and parallel to the mean high tide line.

The placement of fill, excavation of materials worth more than \$20, or a substantial change of use conducted within the Commission's jurisdiction requires a Commission permit, which is issued upon a finding that the proposed activities are consistent with the McAteer-Petris Act and the policies and findings of the *San Francisco Bay Plan* and, where applicable, the *Seaport Plan* and any relevant Special Area Plan. "Fill" is identified in section 66632(a) of the McAteer-Petris Act as "earth or any other substance or material...." Federal activities within the Commission's jurisdiction, such as the proposed habitat enhancement at the Marin Islands National Wildlife Refuge, tern habitat enhancement in the Alameda National Wildlife Refuge, or restoration and public access improvements at Crissy Field, are subject to federal consistency review by the Commission, pursuant to the CZMA, for compliance with the Commission's federally-approved coastal management program for the Bay.

Dedicated to making San Francisco Bay better.

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The restoration projects proposed in the Scoping Document that lie within BCDC's "bay" and "shoreline band" jurisdiction, and that would thus likely require a BCDC permit or federal consistency determination, are listed below. We encourage the Trustees and/or individual project proponents to consult with us as to the likely permitting or consistency determination requirements for each project.

Wetland/Mudflat Habitat Restoration Projects:

- Entry-triangle marsh restoration, Don Edwards San Francisco Bay National Wildlife Refuge ("Don Edwards Refuge"), Fremont.

Fisheries and Water Quality Enhancement Projects:

- Creation of artificial herring spawning habitat, San Francisco Bay;
- Eelgrass restoration, San Francisco Bay;
- Pacific herring spawning habitat enhancement, San Francisco Bay;
- Wetland enhancement and delineation at Pier 94, San Francisco;
- Wetland restoration at Pier 98, San Francisco; and
- Steelhead stream habitat enhancement at San Francisquito Creek, San Mateo and Santa Clara Counties (maybe).

Bird Restoration and Enhancement Projects:

- Enhancement and management of Red Rock Island;
- Restoration of injured bird species, native vegetation restoration, Marin Islands;
- Tern habitat enhancement, Alameda; and
- Enhancement of shorebird foraging areas, exotic cordgrass, San Francisco Bay.

Projects to Compensate for Lost Use of State and National Parks:

- Angel Island foot trail enhancement; and
- Crissy Field restoration, maintenance and public access.

Because it was formerly a salt pond, the Don Edwards Refuge project may require a consistency determination (as a federal project), although there are provisions in the Act and the regulations that may exempt it from the need for such a determination. We would request the project proponents to consult with us about this.

The USFWS San Francisquito Creek Steelhead Stream Habitat Enhancement project may not fall within the Commission's jurisdiction. If the project is funded, please check with us, giving exact locations, so that we can give you a definite determination as to the possible need for a consistency determination regarding this property.

General Bay Plan Policy Implications. Generally, the proposed projects are not merely consistent with, but actively promote, McAteer-Petris Act and Bay Plan policies. The Plan's resource protection policies that are particularly relevant include those on Fill, Fish and Wildlife, Water Quality, Water Surface and Volume, Marshes and Mudflats, Smog and Weather, Fresh Water Inflow, and Protection of the Shoreline. All of these policies emphasize the importance of providing and increasing Bay surface as a critical component in protecting these resources. The proposed restoration projects, excluding the Hamilton Wetlands Restoration project we propose, would increase Bay surface by

approximately 22 acres. The policies on Fish and Wildlife and Marshes and Mudflats, recommending the development and maintenance of wildlife areas throughout the Bay, would also be substantially promoted by the proposed projects. The projects also would reverse some of the potentially harmful effects of Bay Filling listed on page 2 of the *Bay Plan*.

The Commission's development policies include, among others, Ports, Commercial Fishing, Recreation, Public Access, and Appearance, Design and Scenic Views. The proposed herring spawning projects would support Commercial Fishing. The Angel Island and Crissy Field projects would support the Recreation and Public Access policies. To the extent that the proposed projects will improve the appearance of tidelands and the bayfront, and would enhance public views, all the projects promote the Appearance, Design and Scenic View policies. Please note that the proposed wetlands restoration at Pier 94 may be in conflict with Ports policies, which call for development at the Port of San Francisco, among other ports, to be consistent with the *Seaport Plan*.

Map No. 8 of the *Bay Plan* shows waterbird habitats identified as "high value or "medium value." Of the proposed projects, the Don Edwards Refuge tidal marsh restoration, the Marin Islands, and the Alameda Point Tern Habitat project all occur in areas of "high value."

Priority Use Designations Affecting the Proposed Projects. Portions of the Bay and shoreline, including some areas in which the proposed projects lie, are mandated in the *Bay Plan* for water-related priority uses, such as Wildlife Areas, Waterfront Parks, Tidal Marsh, Water-Related Industry, and Ports use. In addition, the Commission's *San Francisco Bay Area Seaport Plan*, amended and adopted in September 1997, and the *San Francisco Waterfront Special Area Plan*, issued in 1975 and periodically amended since then, contain similar designations that may affect the proposed projects. We note here that the *Special Area Plan* is currently undergoing revision. Policies in the *Draft San Francisco Waterfront Special Area Plan* ("Draft Special Area Plan") are consistent with the *Seaport Plan*. If applicable to any proposed Restoration Project, the proposed policies of the *Draft Special Area Plan* will be identified in addition to those of the plan currently in force.

Of the proposed projects, the placement of artificial herring spawning habitat near Piers 50-52, the replacement or sheathing of creosote-treated piles at Pier 92, the enhancement and delineation of an existing small wetland on the northern and eastern periphery of Pier 94, and the restoration of 8 acres of salt marsh and 14 acres of scrub shrub upland at Pier 98, all within the Port of San Francisco, are subject to the policies of the *Seaport Plan* and the *Special Area Plan*. The herring spawning habitat projects are discussed below. As to the proposed projects at Piers 92, 94 and 98, the replacement or sheathing of creosote-treated piles at Pier 92 would be consistent with the Commission's Water Quality policies, as well as with a long-standing Commission permitting practice that does not allow the placement of any new creosote treated piles in the Bay.

The proposed restoration and delineation of exposed wetlands at Pier 94 may be **inconsistent** with the Port Priority Use of the area, as projected in the *Seaport Plan* (Table 19; Figure 11), the *Special Area Plan*, and the *Draft Special Area Plan* (Southeastern Waterfront General Policies: Uses of the Bay, Shoreline and Piers). While it is currently underused for shipping, the future priority use for that location is projected to be container shipping. Further, *Seaport Plan* Finding No. 6 for the Port of San Francisco (page 38) notes that until there is a demand for these facilities for maritime cargo operations, the Port must be able to lease the priorities for interim uses to generate revenues to keep the facilities in good repair. Either the projected longterm or possible interim uses may make it impracticable to locate a restored wetland directly adjacent to Pier 94. Before proceeding with this project, we urge the Trustees of the Cape Mohican Settlement Trust Fund, as well as the Port of San Francisco, to consult with BCDC at the earliest possible opportunity, to investigate the feasibility of this project, and whether, if the project is conceptually feasible, an amendment to the *Seaport Plan* and the *Special Area Plan* would be necessary.

The proposed wetlands restoration at Pier 98 is consistent with the *Seaport Plan* and the 1999 *Draft Special Area Plan*, which allows for a public access area on the pier apron. The site is subject to Commission Permit No. M98-3, which authorizes the Port of San Francisco to create 5.05 acres of new intertidal wetlands, enhance 4.05 acres of additional wetlands, and cap a 4.4-acre non-inert fill

area, also stabilizing riprap and installing public access improvements. The permit requires these improvements to be consistent with the *Preliminary Design Review* and *Preliminary Design Report, Pier 98 Wetlands and Open Space Project*, prepared by Levine-Fricke-Recon, dated November 13, 1997. We recommend that, before proceeding with this project, the Trustees and the Port of San Francisco consult with BCDC to verify that the proposed project is in all respects consistent with the authorizations contained in Permit No. M98-3, and that all portions of any Pier 98 restoration project funded are either already authorized in that permit, or would be submitted to the Commission for permit approval.

Fill and Increased Surface Area of the Bay. Some of the proposed projects will involve placing fill in San Francisco Bay. These may include the Don Edwards Refuge marsh restoration, all of the herring spawning habitat projects, the proposed projects at Piers 92, 94 and 98, the tern habitat enhancement project in Alameda, and projects for enhancement of shorebird fauna areas. Government Code Section 66605 provides that fill should be authorized only when: (1) public benefits from fill clearly exceed public detriment from the loss of the water areas; (2) fill is limited to water-oriented uses, including wildlife refuges, public access and recreation, or minor fill for improving shoreline appearance or public access to the bay; (3) there is no alternative upland location is available for the purpose of the fill; (4) the fill is the minimum necessary to achieve the purpose of the fill; (5) the nature, location and extent of the fill is such that it will minimize harmful effects to the bay's area, such as the reduction or impairment of the volume, surface area or circulation of water, water quality, fertility of marshes or fish or wildlife resources; (6) that fill be constructed to be safe in earthquakes, floods or other disasters; (7) that it will establish a permanent shoreline, and (8) that the project proponent has valid title to the properties in question. Before a permit application is filed with BCDC for any proposed project, it will be scrutinized for consistency with these policies.

Pursuant to Government Code Section 66610(a) and the Commission's regulations (14 CCR § 10710), any previously filled area of the Bay that becomes subject to tidal action falls within the Commission's "bay" jurisdiction, and this will not change even if the area is subsequently filled. Thus, any portions of the proposed projects that may currently not lie within the Commission's jurisdiction, whether by virtue of a natural landform or a manmade work such as a dike, levee or similar tidal control structure, will become a permanent part of the Bay.

Fish Habitat Projects. The possible placement of artificial herring spawning habitat would promote the Commission's fish and wildlife and commercial fishing policies. We note for your information that Pier 50 currently houses fish handling facilities for herring fishermen, and, pursuant to a 1996 Bay Plan Amendment, the former Port Priority Use designation for Pier 52 has been removed. The continued use of these areas for herring fishing, public access and boat launching would be enhanced by the placement of habitat near these piers. The proposed Bay Farm Island and Berkeley artificial habitat projects would occur near designated Park Priority Use areas, as shown on Maps 5 and 4, respectively, of the *Bay Plan*. Richardson Bay, the fourth proposed artificial spawning habitat area, is the subject of the *Richardson Bay Special Area Plan*, which expressly promotes the protection of herring spawning in Richardson Bay.

Any of these locations would be consistent with the *Bay Plan* and the relevant *Special Area Plans*, as would be the proposed restoration of eelgrass beds between China Basin and Candlestick Point in San Francisco, and between the Berkeley Marina and Golden Gate Field in Berkeley. We note that all these areas are also within or contiguous with locations that are heavily used for other purposes—e.g., port uses, present or proposed ferry runs—in addition to fish spawning. The compatibility of these uses with herring spawning should be examined by the trustees and the project proponents. We also suggest that any fish habitat projects in the Bay, especially artificial habitat projects, be studied for long-term efficacy and impacts.

Bird Habitat Projects. All the bird habitat projects are consistent with the Act and the *Bay Plan*. They are not subject to the *Seaport Plan* or a Special Area Plan. To the extent that they may involve the placement of fill, the extraction of materials worth over \$20, or a substantial change of use, they would require a BCDC permit or a federal consistency determination.

Dan Welsh
June 2, 1999
Page 5

Public Access & Recreation Projects. The proposed Angel Island Foot Trail Enhancement and Crissy Field Public Access and Enhancement Fund projects are consistent with the Act and the *Bay plan's* policies on Public Access, Recreation and Scenic Views. They are not subject to the *Seaport Plan* or a Special Area Plan. To the extent that they may involve the placement of fill, the extraction of materials worth over \$20, or a substantial change of use, Angel Island would require a BCDC permit and Crissy Field would require a federal consistency determination.

Proposed Hamilton Wetlands Restoration Project. Under separate cover, we have submitted a request for \$500,000 as initial funding for the proposed Hamilton Wetlands Restoration Project, as an appropriate use for Cape Mohican Settlement Trust Fund monies. This project would provide multiple permanent benefits to the Bay, close to natural resources and services impacted by the spill. As discussed in the *Hamilton Wetland Restoration Plan, Volume I: Feasibility Study*, prepared by the California State Coastal Conservancy and the U.S. Army Corps of Engineers (December 1998), the project will provide nearly 1,000 acres of restored tidal and wetlands within San Francisco Bay. We invite you to examine the project closely as an excellent potential use of a portion of the Trust Fund.

As a final general comment, we note that a Baywide Restoration Plan, incorporating all the projects funded, will be developed. We offer the services of BCDC staff to assist in this planning project, to ensure that the completed Restoration Plan will be consistent with our law and policies.

Thank you again for permitting us to present this information to you. If you have any questions or if we may be of further assistance, please do not hesitate to call me. My direct line is (415) 557-8767.

Sincerely,



STEVEN A. McADAM
Deputy Director and Chief of Regulatory
Services

Enc.

SAM/CR/gg

cc: California Department of Fish and Game - Office of
Spill Prevention and Response, Attn: Don Lollock
California Department of Fish and Game - Office of
Spill Prevention and Response. Attn: John Tarpley
Gulf of the Farallones Marine Sanctuary, Attn: Ed Euber
S. F. Bay Regional Water Quality Control Board, Attn: Loretta Barsamian
U.S. Army Corps of Engineers, Attn: Scott Nicholson
U.S. Environmental Protection Agency, Attn: Mike Monroe
U.S. Coast Guard, Attn: LCDR Pete Gautier
California Coastal Commission, Attn: Ellen Faurot-Daniels
California Coastal Conservancy, Attn: Terri Nevins
Port of San Francisco, Attn: Carol Bach, Environmental Regulatory Specialist

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PORT OF SAN FRANCISCO

May 13, 1999

Trustee Council, Cape Mohican Natural Resources Damage Settlement
c/o Dan Welsh
U.S. Fish and Wildlife Service
3310 El Camino Ave., Suite 130
Sacramento, CA 95821-6340



Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Fax 415 274 0328
www.sfpport.com

Dear Trustees:

I am writing to urge you to consider funding habitat enhancement projects at two small, but vital, tidal salt marshes on the City's southeast shoreline, at Pier 98 and Pier 94. Both of these marshes were directly impacted by oil released from the Cape Mohican, and I observed oiled birds at both during the days following the spill.

The City of San Francisco and the California Coastal Conservancy have recently constructed five new acres of tidal salt marsh at Pier 98, thereby creating new, and as yet uncolonized, transition zone between the marsh and upland areas. With the extensive loss of salt marshes along the bay shoreline, we have lost most of this unique transition zone habitat as well. Some common transition zone plants (e.g. *Grindelia*) are likely to colonize the new transition zone readily. However many plants indigenous to the transition zone have become rare or extinct in San Francisco Bay, and are not likely to establish themselves. With funding, the Port proposes to plant seeds and propagules of up to thirteen less common species. Planting native transition zone species offers the greatest opportunity to enhance biodiversity in the salt marsh at Pier 98.

Local non-profit organizations and volunteers have begun collecting seeds and propagating some of the target species. The first plantings would be ready by Fall 1999, although planting would continue in phases as propagules become available over the next several years. Working with local non-profit organizations and volunteers will enable us to implement this proposal cost-effectively, and will also offer opportunities for community members to participate in hands-on restoration activities. The proposal includes support for five years of maintenance, including removing exotics, which will be critical to the success of the planting effort and development of an on-going community-based stewardship program for the site.

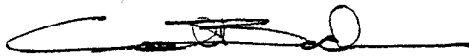
An approximately three-acre salt marsh at Pier 94 provides potentially very good habitat, but is currently degraded by the presence of debris, such as tires, brick, and concrete in the marsh. The requested funding would be used to design and complete excavation and grading to needed to remove debris, improve tidal circulation, and create a transition zone

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between the marsh and adjacent uses. The Port is initiating a comprehensive development plan for the surrounding uplands which comprise Pier 94, so the forthcoming year offers a timely opportunity to develop a sound preservation and enhancement plan for the site. The Port would provide staff time for planning, permitting, and construction management, which represents a substantial matching contribution.

Thank you for your consideration of these proposals. If you have any questions or comments, please do not hesitate to contact me by phone (415-274-0568) or e-mail (carol_bach@sfport.com).

Sincerely,
Port of San Francisco



Carol Bach
Environmental Health and Safety Manager

cc: Veronica Sanchez, Port of SF, Governmental Affairs
Charlotte Robinson, Bay Conservation and Development Commission

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FROM

(WED) 6. 2 '99 8:40/ST. 8:39/NO. 4860614667 P 1

FROM : X

PHONE NO. : 4159273533

Jun. 02 1999 12:41AM P1



Post-it Fax Note 7671		Date 6/1/99	# of pages 3
To Dan Welsh		From D. Salzman	
Co/Dept OSFWS		Co. MAS	
Ph # 979/EC-44-035		Phone #	
Fax # 979 3128		Fax #	

Marin Audubon Society Box 599

June 1, 1999

Dan Welsh
 U.S. Fish and Wildlife Service
 Sacramento Fish and Wildlife Office
 3310 El Camino
 Suite 130
 Sacramento, CA 95821

RE: POTENTIAL RESTORATION PROJECTS FOR NATURAL RESOURCES
 IMPACTED BY THE CAPE MOHICAN OIL SPILL

Dear Mr. Welsh:

The Marin Audubon Society appreciates the opportunity to comment on the Scoping Document for the Cape Mohican Oil Spill impacts and proposed projects contained therein. Our comments address the guidelines for project selection and specific projects.

Adverse impacts of the project to wildlife resources were devastating: 4,000 shorebirds, waterfowl and diving birds, oiling of beaches and marshes from Point Reyes to Pacifica, San Rafael to Stinson Beach, Pier 70 to the San Mateo coast and injury to the herring fishery reduced due to fowling of spawning substrate.

It is our view that the primary use for the Cape Mohican funds should be restoration of habitat within the path of damage and to benefit species populations that were adversely impacted. The loss of visitor days is a relatively minor impact that is related to resource impacts. Improvement and expansion of habitats and species populations would do more to ensure satisfying visitor experiences than specific educational programs because it is the species and habitat resources that are important to the public.

For the above reason, we recommend that project selection be in the following priority: benefit habitats and resources directly impacted by the spill, benefit habitat resources that would benefit the species and expand the types of habitats nearby the impacted area so that the same species would benefit. We do not believe the lost use of parks should be in such a large amount.

Our specific project recommendations are presented below along with our the reasons for our evaluation and suggestions for improvement where applicable. Also included are several projects that are not included in the scoping document but that were submitted later.

Proposals Supported:

• Sandy/Rocky Beach Restoration at CENRA and PPNS - This project would directly benefit beaches and species impacted by the spill by removing invasive plant species that overtake dune habitats and by aiding enforcement of the leash laws. This project should be expanded to include rangers to enforce leash laws. In fact, dogs should be banned from Ocean Beach beaches that are habitat for snowy plover and funding used to enforce that ban.

• Eelgrass Restoration - This project, if successful, would expand a resources that has broad significance for many species of the estuary. We are concerned about its potential for success because there are no known successful eelgrass

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A Chapter of National Audubon Society

PHOTOGRAPHY UNIT

restorations in the Bay of which we are aware. To maximize the potential for success, the project should ensure the project design is based on lessons learned from past failures. Unless there is reason not to do so, we recommend that sites in Marin County be chosen as well.

- Herring spawning Habitat Enhancement - We support this project because it would eliminate an existing toxic habitat thereby expanding habitat. However, the funding should be conditioned so that the roe produced on the improved habitat remains in the ecosystem for ecological benefit and is not collected for commercial gain.
- Pier 94 - Wetlands at this site were directly impacted by the spill so the enhancement project. If possible, the project should be expanded to restore more marsh.
- Pier 98 - This site was also directly affected by the spill and we support its improvement.
- Tern habitat Enhancement at Alameda - Alameda habitat and terns were impacted by the spill and we support funding for this project.
- Shorebird Habitat in San Francisco Bay wetlands - This project would benefit species impacted by the spill by removing invasive cordgrass. The location of the intertidal mudflats and salt marshes that would be restored is not noted. Project proponents should be encouraged to choose sites that were impacted by the spill, wherever possible, and we suggest including sites in all sections of the Bay that were impacted. In Marin County, cordgrass removal could include Richardson Bay and Corte Madera Creek, which are both within the affected area.
- Red Rock Island - We fully support acquisition and protection of this nesting island. However, the rolling hill topography of this island does not appear suitable for expanded cormorant nesting. If it were suitable habitat, we wonder why cormorants would not be nesting there now, since there is nothing to stop cormorants from expanding their current nesting colony on the Richmond Bridge. Also, construction and upkeep of platforms would be labor intensive and very costly. We suggest holding Caltrans to protecting the birds nesting area on the bridge and doing maintenance on off nesting seasons, and using the Cape Mohican funds to acquire Red Rock Island and protect it from human intrusion.
- Marin Islands - these islands are exceptional habitat and are located only slightly north the area of impact, so we support this funding.
- Bolinas Lagoon Restoration - Although not submitted in time for the document and not identified as an area of impact, this proposal is to remove fill was submitted by the Marin County Open Space District. Bolinas Lagoon does appear to be within the affected area of the Marin coast. Removal of fill would benefit species groups impacted by the spill, diving birds and waterfowl. We support this proposal based on recommendations of the Study that is currently being undertaken by the Army Corps of Engineers.

Support if Sufficient Funds After Approval of High Priority Projects Above

- Hamilton Field - This was submitted by the State Coastal Conservancy too late for publication in the scoping document. Although Hamilton is north of the area of impact, it would restore substantial acreage - 900 - of tidal and seasonal marsh that would benefit many of the species impacted by the spill.
- Giacomini Ranch - This request would provide partial funding for restoration wetlands (acreage not given) at this site. Although we have and continue to strongly supported this project, we do not rank it high because the site at the south end of Tomales Bay some distance from the spill area. Also, it was our understanding that Caltrans mitigation funding, was to cover the

FROM

(WED) 6. 2 '99 8:42/ST. 8:39/NO. 4860614667 P 3

FROM : X

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acquisition and restoration.

• Entry-Triangle Marsh - This appears to be a very worthy project that would benefit species impacted by the spill, however, it seems some distance from the area impacted by the spill.

Not Recommended

• Duxbery Reef/Sandy Rocky Beach This project leaves us with more questions than answers. It sounds as though the project would develop a mapping, assessment and interpretive program at Duxbery Reef to attract visitors away from and protect Fitzgerald Marine Reserve. It sounds as though there is a risk that this program would increase usage thereby potentially increasing damage to the reef. While the project may benefit intertidal habitat, there are also risks. Relying on an extensive docent education program may be a temporary fix. What would happen after hours and after the public is attracted to Duxbery and the docent program ends? We also question whether paying for educational staff is the best use of Cape Mohican funds. We would like to be able to review this proposal more completely.

• Artificial Herring Spawning Habitat - It sounds as though this project would fill the Bay to create artificial spawning habitat. This is contrary to BDCD policy and law. Also, it is unclear what existing habitats would be covered and lost due to construction of the artificial spawning habitats. We prefer herring spawning habitat restoration that would enhance and expand natural or existing habitats without resulting in damage to existing habitat.

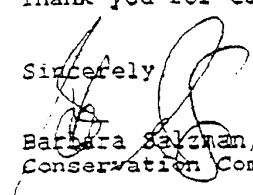
• San Francisquito Creek project, while worthy, it does not appear it would benefit resources impacted by the spill. It appears to be a creek enhancement and outside of the spill area.

• Angel Island Foot Trails - We see no connection between this project and the resource impacts of the spill.

• Crissy Field - This proposal would establish a Restoration, Maintenance and Public Access Fund, however, there is no evidence or certainty that any funding would be used for habitat restoration or maintenance even though restoration is mentioned as a component. Most of the money would go for staff and have no direct benefit to the damaged resources. It is also uncertain that the fund monies would be used to benefit the resources or have a direct public benefit.

Thank you for considering our comments.

Sincerely


Barbara Salzman, Chair
Conservation Committee

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Golden Gate Audubon Society

2530 San Pablo Avenue, Suite G • Berkeley, CA 94702 • Phone: (510) 843-2222 • Fax: (510) 843-5351

Americans Committed to Conservation • A Chapter of the National Audubon Society

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SACRAMENTO
FISH & WILDLIFE OFFICE

June 1, 1999

Dan Welsh
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
3310 El Camino, Suite 130
Sacramento, CA 95821

Re: Potential Restoration Projects for Natural Resources Impacted by the Cape Mohican Oil Spill

Dear Mr. Welsh:

The Golden Gate Audubon Society appreciates the opportunity to comment on the Scoping Document for the Cape Mohican Oil Spill impacts and proposed restoration projects that would provide some mitigation for those impacts.

We believe that the Cape Mohican money is best utilized by funding habitat restoration rather than for the loss of "visitor days" at parks. If habitat is increased in parks there will be a corresponding increase of visitor days to those areas that will mitigate for those lost visitor days.

Thus we suggest that Cape Mohican funds only be allocated to: 1) benefit habitats and resources directly impacted by the spill or, 2) benefit habitat resources nearby impacted areas so that species impacted by the spill will derive benefit.

We support the following specific proposals:

Sandy/Rock Beach Restoration at GGNRA and PRNS-we suggest increased funding over that recommended and urge the inclusion of money for increased enforcement of leash laws.

Eelgrass Restoration

Herring spawning habitat enhancement

Pier 94-we are very supportive of this project and hope to help with the restoration effort

Pier 98-again our Chapter has been very involved in this worthwhile project

Tern enhancement at Alameda-a very worthwhile project for very important nesting areas for birds that were impacted by the oil spill

Shorebird habitat in San Francisco Bay wetlands-cordgrass removal. One of the most important issues facing our Bay and important to fund

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Red Rock Island- probably the best opportunity to help the birds most impacted by the oil spill. This project must happen and money should be spent on acquiring the island and hopefully convincing Caltrans to fund the rest of the project
Marin islands

We do not support the following specific projects:

Crissy Field- While the scoping book describes this project as Restoration, Maintenance and Public Access Fund, we do not believe that any of the funds would be used for restoration since this project is already funded for that purpose with mitigation dollars. It appears that most of the money would go to staffing and would not help mitigate in any way for impacts to wildlife resources. Furthermore, there have been some substantial problems with the restoration project that are still unresolved. The money proposed for this already substantially funded project could be better spent elsewhere on projects that are in greater need of financial support.

Artificial herring spawning habitat-Let's not fill the Bay for artificial habitats. Let's bring back eelgrass instead.

Duxbery Reef/Sandy Beach-reefs are sensitive areas and encouraging increased public access may prove detrimental.

Thank you for your attention to our views.

Sincerely yours,



Arthur Feinstein
Executive Director

California Native Plant Society

Yerba Buena Chapter
1033 Noe Street
San Francisco, Calif. 94114

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JUN 02 1999

SACRAMENTO
FISH & WILDLIFE OFFICE

1 June 1999

Dan Welsh
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
3310 El Camino, Suite 130
Sacramento, Calif. 95821

Dear Mr. Welsh:

Thank you for the opportunity to provide comments on the public scoping document entitled "Potential restoration projects for natural resources impacted by the *Cape Mohican* oil spill." Our comments concern the importance and significance of proposed restoration projects, the division of funds into various categories, and the feasibility of one project in particular.

Of the many worthy projects listed in Table 2 we would like to highlight the importance of the sandy beach restoration projects at Ocean Beach and Point Reyes (discussed below) and wetland enhancement projects at Pier 98 and Pier 94. These marshes were directly affected by the *Cape Mohican* oil spill and are now the targets of considerable community interest. The San Francisco Port Authority has made great progress towards working with the local community to improve the habitat values of the marsh adjoining Pier 98. Funding from the trustees will expand this community effort and directly contribute to the long-term viability of this restoration project. Given the growing interest in marsh habitat in southeast San Francisco, it makes perfect sense to expand the Port Authority's marsh enhancement efforts to include nearby Pier 94. Other potential worthy marsh enhancement or creation efforts along the San Francisco waterfront include India Basin and Treasure Island.

Table 1 indicates that \$1,030,000 will be spent on projects to compensate for lost use of state and national parks and \$470,000 on restoration planning. We feel strongly that spending more than 40% of the total settlement on projects that will achieve little on the ground is out of proportion to the damage to the flora and fauna of San Francisco Bay and other affected areas. Restoration projects on state and federal park lands—that is, restoration of wetland/mudflat/sandy/rocky beach habitats—will directly compensate visitors by improving the habitat value of heavily-visited degraded lands. It is true that human visits to the Golden Gate National Recreation Area were diminished by the *Cape Mohican* oil spill, but the damage was largely indirect. That is, human visits were diminished in large part because of the direct damage suffered by the park's flora and fauna. More funds should therefore be allocated from the settlement towards deserving projects that achieve something concrete for those most directly affected by the oil spill—wildlife and their habitat.

Already included in the list of potential restoration projects are several that fit the bill: Giacomini coastal wetlands restoration and exotic plant removal at Point Reyes National Seashore. The

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Dedicated to the preservation of California native flora

latter is particularly deserving since it will directly improve habitat for several listed plant and animal species while improving visitor experiences. The outreach program at Ocean Beach should also be expanded to include removal of European beach grass (*Ammophila arenaria*). As I have argued elsewhere (Holloran 1996 in *Restoration & Management Notes*), restoration projects that involve volunteers and school children can have resounding positive effects on park lands and on visitors' experiences of those same lands. We strongly urge you to fund community-based restoration programs at Ocean Beach and Point Reyes and to ensure that these include significant outreach components.

As you can see, we feel strongly that community-based stewardship programs can be of tremendous value, particularly as practiced by the Golden Gate National Recreation Area. We have been particularly supportive of the restoration projects undertaken by the park's Presidio Stewardship Program. It has been so successful in bringing in volunteers and school children—more than 90,000 volunteer hours in 1998—that it has become a nationally-recognized model for community-based stewardship programs and will host the 1999 international conference of the Society for Ecological Restoration. We therefore supported with great confidence an ambitious program of tidal marsh and dune restoration and community outreach along the northern bay shore of the Presidio at Crissy Field.

It is therefore with great dismay that we register our strong reservations about the proposed funding for restoration, public programs, and public access at Crissy Field. To repeat: we support in the strongest possible terms the vision expressed in the project description—a restored marsh and dunes at Crissy Field provides an unparalleled opportunity to promote understanding of protected park lands and their natural values by providing access, environmental education, and stewardship opportunities to diverse urban communities. In the last eighteen months, as the Crissy Field plan moved towards implementation, we have become quite concerned about the current ability of the Golden Gate National Parks Association to achieve this mission. Its staff have excluded broad segments of the public from decisions about community outreach, environmental education, and marsh and dune restoration.

We therefore strongly recommend funding the restoration and public programs component of this proposal (\$545,000) but only if the funds were provided to the National Park Service instead of the Golden Gate National Parks Association. Recent discussions with the Association have not resulted in tangible efforts to improve its stewardship program. By contrast, we remain quite positive about the ability of the National Park Service to implement community-based restoration projects elsewhere in the park, and particularly at the Presidio.

As the success of the Presidio Stewardship program shows, long-term stewardship of natural areas offers tremendous opportunities to enhance public access to and understanding of public lands. Resource-based environmental education is a wonderful way to provide excellent learning experiences while also accomplishing significant management objectives. Volunteer-based monitoring and stewardship activities function in the same way. Coordinating such a program requires significant park staff and administrative support. The program should remain strictly focused on the marsh and dunes, the vegetation and wildlife therein, and the diversity of human interactions with such systems. The proposed budget of \$545,000 appears reasonable to carry out this task. In sum, a community-based stewardship program at Crissy Field that incorporates such

elements provides the perfect nexus for mitigating the effects on public access of the *Cape Mohican* oil spill. And at this point, the National Park Service is much better equipped than the Golden Gate National Parks Association to manage such a program.

Thank you for this opportunity to provide comments on the *Cape Mohican* Public Scoping Document.

Sincerely,

A handwritten signature in cursive script that reads "Pete Holloran". The signature is written in black ink and includes a long horizontal flourish at the end.

Pete Holloran
President, Yerba Buena chapter

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San Francisco Conservation Corps

Headquarters

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June 1, 1999

Mr. Dan Welsh
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
3310 El Camino, Suite 130
Sacramento, CA 95821

Dear Mr. Welsh,

The San Francisco Conservation Corps (SFCC) enthusiastically supports the inclusion of the Crissy Field Restoration Project as part of the Cape Mohican restoration program.

For the past two years, the SFCC has been an active participant in this restoration effort. Working in partnership with the National Park Service and the Golden Gate National Parks Association, we have provided young people and our SFCC AmeriCorps members with a primary role in the restoration and stewardship of this site. It has been a wonderful experience for our Corpsmembers to instill a sense of stewardship in a broad group of community stakeholders.

Since the site was substantially affected by the oil spill, funding for ongoing stewardship of the site is a perfect opportunity to respond to this damage. This long-term stewardship funding will ensure that our early and substantial restoration is well taken care of into the future. An ongoing program of stewardship and education will continue to benefit from the site as a place for young people to participate in and learn about environmental restoration.

Thank you for your consideration of this project. The San Francisco Conservation Corps urges your most positive support of the Crissy Field project.

Sincerely,


Ann Cochrane
Executive Director

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Executive Director Ann Cochrane
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Golden Gate National Recreation Area and Point Reyes National Seashore

CITIZENS'
ADVISORY COMMISSION

Building 201, Fort Mason, San Francisco, CA 94123

June 2, 1999

✓
Dan Welsh
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
3310 El Camino, Suite 130
Sacramento, CA 95821

Sent via facsimile #916/979-2128

Re: Cape Mohican Settlement

Dear Mr. Welsh:

The Citizens' Advisory Commission to the Golden Gate National Recreation Area has been following with considerable interest the restoration program resulting from the Cape Mohican oil spill. As you are aware, shoreline within this national park was substantially affected by the oil spill.

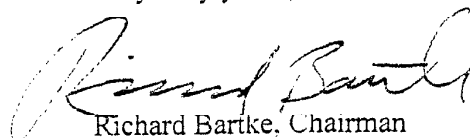
Our Commission members specifically support the inclusion of the Crissy Field Restoration Project as part of the Cape Mohican restoration program. We see this as a logical link, because the Crissy Field site was one that was adversely affected by the oil spill. Crissy has been one of our most popular park sites, and its closure was a serious disruption of public access.

The National Park Service is currently engaged in a project to restore the wetlands that previously existed in the Crissy Field area, and has been supported by an impressive list of private contributions, through the Golden Gate National Parks Association.

We request that the full amount of funds identified for compensation for loss of public use be granted to the National Parks Service and/or Golden Gate National Parks Association, to augment the many private contributions, to restore Crissy Field wetlands. This will support a site stewardship program engaging community volunteers, public education, the re-establishment of habitats, and restore the scenic quality of the site.

Thank you for your kind consideration of the above.

Very truly yours,


Richard Bartke, Chairman

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