

# SEARS POINT DRAFT EIS/R COMMENT RESPONSE

## TABLE OF CONTENTS

### Comments from Government Agencies

U.S. Environmental Protection Agency (written), October 16, 2009  
Association of Bay Area Governments – Bay Trail Project (written), October 13, 2009

### Comments from Organizations and Businesses

California Outdoor Heritage Alliance (verbal and written), September 22, 2009 and October 9, 2009  
California Rifle and Pistol Association (verbal and written), September 22, 2009 and October 15, 2009  
Marin Audubon (verbal and written), September 22, 2009 and October 5, 2009  
National Rifle Association of America (written), October 12, 2009  
Northwestern Railroad Pacific Company (NWP Co.), October 12, 2009  
San Francisco Bay Joint Venture (verbal), September 22, 2009  
Sonoma-Marine Area Rail Transit (SMART) (written), October 12, 2009

### Comments from Individuals

Richard Allen (written), September 21, 2009  
Gabino Alonso (written), September 22, 2009  
David Ament (written), September 21, 2009  
Bruce Anderson (written), September 22, 2009  
Mark and Kathleen Archer (written), September 20, 2009  
Mark and Kathleen Archer (written), September 21, 2009  
Anthony Arington (written), September 22, 2009  
Lynn Axelrod (verbal), September 22, 2009  
Chris Barger (written), September 24, 2009  
Brent Barnes (written) September 22, 2009  
Larry P. Barsetti (written), September 21, 2009  
Robert Becchetti (written), September 21, 2009  
Doug Behrens (written), September 20, 2009  
David Bengtson (written), October 13, 2009  
George and Cheryl Brabo and family (written), September 29, 2009  
Bill Buchanan (written), September 20, 2009  
Edward “Buck” Buchanan (written), September 22, 2009  
George Canon (written), September 23, 2009  
Bruce Carter (verbal), September 22, 2009  
Edward J. Collins (written), September 22, 2009  
Cteandriano@netscape.net (written), September 22, 2009  
Gerry Damiano (written), September 24, 2009  
David Distad (written), September 23, 2009  
Mike Doherty (written), September 22, 2009  
Mark Doolittle (written), September 21, 2009  
Thomas Ehrich (written), September 21, 2009  
Todd Ellinwood (written), September 23, 2009  
Joseph J. Erasmy (written), October 4, 2009  
Kenneth Erkson (written), September 21, 2009  
Matt Faletti (written) September 19, 2009  
Eugene Fassi (written), October 4, 2009

Mark Fichtler (written and verbal), September 22, 2009  
Paul S.Finkle (written), September 22, 2009  
Bob Fischer (written), September 23, 2009  
Charles L. Forrest (written), September 21, 2009  
Brian Foster (written), September 21, 2009  
Edward Fotsch, MD (written), September 19 and September 20, 2009  
Dennis D. Freeman (written), September 23, 2009  
Art French (written), September 21, 2009  
William Gaffney (written), September 23, 2009  
William Gahan (verbal), September 22, 2009  
Jeff M. Gerard (written), September 21, 2009  
Charlie Gibson (written), September 21, 2009  
Bob Gloeckner (written), September 25, 2009  
Michael Golick (written (two emails)), September 22, 2009  
Johnny Good (written), September 22, 2009  
Tom Gross (written), September 19 and 20, 2009  
Sam Grow (written), September 21, 2009  
Duncan Hanley (written), September 21, 2009  
Rory Hanley (written), September 22, 2009  
Thomas Harrington (written), October 8, 2009  
Thomas M. Harris (written), September 24, 2009  
Elisa and Roger Hatin (written), October 4, 2009  
Dean Heffelfinger (verbal), September 22, 2009  
Hugh Helm (verbal), September 22, 2009  
Robert Helstrom (written), September 21, 2009  
James Henderson (written), September 21, 2009  
Kathy Herrero (written), September 28, 2009  
Bob Hughes (written), September 23, 2009  
Beth Huning (verbal), September 22, 2009  
John Iavarone (written), October 20, 2009  
Craig Jacobsen (verbal), September 22, 2009  
Eric L. Johnson (written (two emails)), September 20, 2009  
Huey D. Johnson (written), October 9, 2009  
David M. Jue (written), September 22, 2009  
Wes Keel (written (two emails)), September 21, 2009  
Larry Kenney (written), September 21, 2009 [missing 2<sup>nd</sup> page of faxed letter]  
David Kenyon (written), September 28, 2009  
Bruce King (verbal and written), September 21, 2009  
Robert Kinmont (written), September 21, 2009  
Richard B. Krona (written (two emails)), September 20 and 21, 2009  
Gil Kuhn (written), September 22, 2009  
James LaMar (written), September 22, 2009  
Kit Larsen (written), September 21, 2009  
Dean Latter (written), September 30, 2009  
John Leipsic (written), September 21, 2009  
John Leone (written), September 21, 2009  
John Likas (written), September 22, 2009  
Colin Lind (written), September 21, 2009  
Bob Low (written), September 18, 2009  
Jim Lynch, (written), September 22, 2009

Todd Magaline (written), September 23, 2009  
James W. Mantegani (written), October 8, 2009  
Gaston Marcillac (written), September 22, 2009  
Tom Mattusch (written), September 22, 2009  
John Mayfield (written), September 22, 2009  
Michael McDaniel (written), September 23, 2009  
Marilyn Mertens (verbal), September 22, 2009  
Brant Miller (written), September 23, 2009  
Bradly K. Miner (written), September 22, 2009  
Peter Molligan (written), October 11, 2009  
Tom Monroe (written), September 28, 2009  
Pat Montague (written (email and fax)), both September 22, 2009  
Ray Moore (written), September 26, 2009  
Frances A. Moreda (written), October 12, 2009  
John F. Munson (written), September 25, 2009  
Mark Murray (written (email and letter)), both September 22, 2009  
Mike Nichols (written), September 22, 2009  
Ken Niles (written), September 23, 2009  
Lee Novich (verbal), September 22, 2009  
Tom Orgain (written), September 22, 2009  
Ian O'Rourke (verbal and written (email and letter)), September 22, 2009 and October 2, 2009  
Robert D. Owen (written), September 22, 2009  
Rich Papapietro (written), September 23, 2009  
Charles Peri (written), September 22, 2009  
Daniel Perrin (written), October 13, 2009  
Alan R. Perry (written), September 23, 2009  
Bob Pester (written), September 21, 2009 (same thing twice)  
Allen M. Phipps (written), September 22, 2009  
Fermin Piol (written), September 24, 2009  
Daniel F. Piombo (written), September 21, 2009  
Dwight Plunkett (written), September 21, 2009  
Don Priest (written (letter and email), both September 22, 2009  
Jim Prigmore (written), September 24, 2009  
John Quigley (written), September 23, 2009  
Bob Rentsch (written), September 23, 2009  
Kimberly Rolla (written), September 21, 2009  
Erin Scull (verbal), September 22, 2009  
Jeff Scull (written), September 21, 2009  
Michael Sewell (written), September 20, 2009  
Nubar Shahbazian (written), September 28, 2009  
Berry Sheppard (written), September 22, 2009  
Marjorie Sikes (written), September 20, 2009  
Jim Smith (verbal), September 22, 2009  
Mick Smith (written), September 21, 2009  
Virgil Smith (written), October 2, 2009  
Mick Stangrover (written), September 23, 2009  
V.T. Storer (written (2 emails)), both September 20, 2009  
Dimitra Sutsos (verbal), September 22, 2009  
Mike Sutsos (written), October 12, 2009  
Jim Swanson (written), October 12, 2009

Scott Swasey (written), September 22, 2009  
Jim Tank (written), September 22, 2009  
Richard T. Tarrant (written), October 7, 2009  
thompsonld@aol.com (written), September 22, 2009  
twins350@aol.com [Dannie] (written), September 23, 2009  
Brian Tyler (written), September 22, 2009  
Ken Van Gorder (written), September 21, 2009  
Henrik von der Lippe (written), September 21, 2009  
Douglas J. Waite (written (email and letter), September 22, 2009 and October 2, 2009  
Jeannie Wallen (written), September 24, 2009  
James P. Waltz (written), September 23, 2009  
Don Watson (written), September 23, 2009  
Jeffrey J. Wayne (written), September 23, 2009  
Edwin S. Weber (written), October 14, 2009  
Jack Weir (written (2 emails)), September 20 and September 21, 2009  
Joe White (written), September 23, 2009  
Christel Wiegandt (written), September 28, 2009  
Greg Wilkins (written), September 21, 2009  
Herb Williams (verbal), September 22, 2009  
R.W. Williams, III (written), September 22, 2009  
Bob Wilson (written), September 21, 2009  
Doug Wynn (verbal), September 22, 2009  
Ray Yung and Family (written), September 22, 2009 – 2 copies of the same letter

Comments were submitted in writing unless specified otherwise. If both verbal and written comments were submitted by an individual or organization, verbal comments will be denoted by a “v” and written comments by a “w”.

## **MASTER COMMENT RESPONSE 1: BLACK POINT SPORTS CLUB**

This master comment response is designed to provide a comprehensive response to the many comments that were received regarding the fate of the Black Point Sports Club with implementation of the Proposed Project. This master comment response addresses the majority of the concerns raised by the commenters. The various types of comments are summarized first, followed by a discussion of each of the six major concerns raised.

*Comment Summary:* Sonoma Land Trust (SLT) received extensive comments on the closing of the Black Point Sports Club (BPSC). These comments included the following concerns:

- Evaluation of the impacts from the expiration of the BPSC lease was incorrect or inadequate; the loss of the BPSC lease at the Sears Point property constitutes a significant impact because:
  - BPSC is a unique resource for its upland game hunting opportunities, length of hunting season, proximity to the Bay area, stocking of birds (in particular pheasants), ease of physical access (level terrain), dog training facilities, and as a family recreational resource; and
  - Alternative hunting opportunities are not equivalent, and do not compensate for the loss of BPSC. Hunting opportunities on public lands, and the California Department of Fish and Game (CDFG) land in particular, are not equivalent to opportunities offered by BPSC because public opportunities are less safe, more difficult to access physically, offer a much shorter hunting season, and provide fewer upland birds. Private hunting opportunities are also not equivalent, primarily because they are located far away from BPSC.
- SLT should extend the existing lease for many years to allow hunting to continue and to provide the BPSC with the opportunity to purchase either a portion of this property or another property.
- Restoration could be accomplished while allowing the hunt club to maintain its presence on the currently-leased lands.
- Restoration of the Sears Point property is not necessary because extensive tidal marshes exist in the North Bay.
- The current land use provides habitat value for many upland species of birds and other terrestrial wildlife.
- Hunters are conservationists and economic supporters of conservation, and their presence on the property provides for conservation under existing use.

These issues are addressed in detail below.

### **Incorrect/Inadequate Impact Assessment**

At issue is whether the potential loss of BPSC’s lease on the Sears Point property constitutes a significant impact. As stated on page 3.8-3 of the DEIS/R, thresholds based on State CEQA Guidelines and professional standards and practices were considered in making the determinations regarding the potential significance of specific impacts. Several commenters indicated that alternative hunting opportunities are not equivalent to the experience provided by BPSC, that BPSC is a unique resource, and that termination of the lease at Sears Point therefore constitutes a significant impact.

The Dickson Ranch property was purchased by the SLT in 2004. Funding that supported the purchase stipulated that the land must be used for wetland restoration and public access. The property will transfer to CDFG ownership once restoration has been completed and to USFWS prior to restoration activities.

Public recreational hunting opportunities would be allowed south of the rail line per CDFG's regulatory authority. The proposed project does not conflict with the planned public access plans or hinder public access per the Significance Criteria. In fact the proposed project will open land and marsh areas to public access (over 1,000 acres).

The proposed project does conflict with an existing private use at the site, BPSC, which historically leased 555 acres of land from the Dickson Ranch. However, the impact to the recreational uses provided by BPSC is the cessation of such uses that would have expired on their own accord on May 31, 2012, the termination date of BPSC's lease of the site. As stated in the Alternatives Description on page 2-3, SLT will transfer the property to a public agency regardless of the alternative chosen. Leases for private hunt clubs or private uses go against CDFG's mission of allowing public access to state lands. Consequently, it is not possible for the BPSC to remain at the property long-term. The No Action Alternative, therefore, also includes termination of the lease to BPSC.

The only way that BPSC could have remained at the property would have been to purchase the property. When the Dickson Ranch was put up for sale, the owners of the BPSC had an extended opportunity to purchase the property but made the decision not to purchase it and therefore took the risk that the future owners would not continue the existing lease of the BPSC. When SLT acquired the property, they communicated to BPSC the intent to restore the property and the need to vacate. SLT recognizes the value that members of Black Point Sports Club place on the existence of the club and therefore, at significant expense to SLT, took interim steps to accommodate BPSC's interests, primarily by extending the lease for a significant period beyond its original expiration date which was the purchase date of the property. This was intended to allow both the owners and the members of BPSC ample time to familiarize themselves with other existing, nearby recreational opportunities. However, BPSC leased the property with the understanding that the lease would terminate prior to restoration so that the property could transfer to the CDFG and that BPSC would need to vacate the leased property at the termination of the lease. SLT worked with BPSC to maintain the lease as long as possible and has granted BPSC six annual lease extensions. Thus, BPSC has had more than 6 years since SLT's purchase of the property to wind down operations on the site (e.g. relocate facilities such as the dog training facilities).

CDFG requires that all leases end before the land is transferred to State ownership. CDFG will provide more extensive public access including hunting. If no action were taken at the site as described in the No Action Alternative, the following would occur:

- all leases south of the SMART rail line including the BPSC would conclude;
- no restoration would occur,
- the area between the highway and the railroad tracks would transfer to USFWS and the area south of the railroad tracks would transfer to CDFG; SLT would maintain ownership of the area north of the highway,
- the site would continue to support pumped, diked baylands fields to the degree that the respective landowners could afford to conduct pumping and maintenance of related equipment in the future
- existing related buildings and infrastructure would either be maintained to the degree feasible or removed,
- levees would be patched as feasible; however, levee failure would eventually occur because the levees require major structural upgrades that SLT and the future landowners would not be able afford (see discussion of levee maintenance cost considerations in subsection under lease extension, below),
- USFWS would construct a new road from Reclamation Road to the USFWS office area;
- there would be no improvements to existing roads,
- the site would be open for recreational uses consistent with CDFG's policies for Wildlife Areas; waterfowl hunting would be available in the areas outboard of the existing levee and upland game

bird hunting would be available within the diked portions of the property (however, no stocking of game would occur), and

- No additional public access trails would be created.

For clarification purposes, the subsection entitled Recreational Facilities in the Project Site Vicinity on page 3.8-2 will be revised to clarify that the portion of the project site leased to BPSC is currently owned by SLT and under an existing agreement it will be transferred to CDFG with or without implementation of the Project. As part of this agreement all of the existing leases will be terminated at the site prior to transfer.

The option of selling a portion of the land to BPSC is not feasible because it would be a breach of the public trust vested in SLT to acquire, restore, and open the land for public access. Funding for the property acquisition and restoration planning was provided by numerous federal, state, and local government grants, private foundations, and over 600 members of the local community. The grants require SLT to follow through with the intent of the grant agreements, specifically, to restore the land and open it for general public access. Failure to do so would constitute a breach of numerous contracts.

Furthermore, the Dickson Ranch is subject to a conservation easement held by the Sonoma County Agricultural Preservation and Open Space District (District). The purpose of the conservation easement is to (a) preserve and protect, in perpetuity, the Conservation Values of the property, (b) to enhance and restore the Conservation Values by specifically permitting the creation of an ecologically viable ecosystem capable of providing tidal and seasonal wetland habitat for endangered and threatened species, migratory shorebirds, and waterfowl, and (c) to prevent any uses of the property that would significantly impair or interfere with these Conservation Values.

The Conservation Values referred to above are defined in the following paragraph excerpted from the conservation easement.

The Property is part of a large contiguous block of protected lands in the historic Sonoma Baylands wetland stretching from the mouth of the Petaluma River to Tolay Creek. The Property provides an important link between Carl's Marsh, Leonard Ranch Seasonal Wetlands Enhancement Project and the State of California's Sonoma Bayland Restoration Project with the State's Tolay Creek Tidal Restoration Project and the United States Fish and Wildlife Service's ("USFWS") Tubb's Island Wetland Restoration Project. As a key parcel in this larger system, the Property, consisting of diked, flat low-lying lands and located adjacent to Tolay Creek, has significant restoration potential to provide tidal and seasonal wetland habitat for endangered and threatened species, migratory shorebirds and waterfowl. In addition, due to its location along State Highway 37, a main highway corridor between State Highway 101 and State Highway 80, the Property provides scenic views of open space to millions of travelers in one of the southern gateways to Sonoma County. In addition, the Property also provides an important link in the San Francisco Bay Trail, a planned regional trail for non-motorized multi-purpose public recreational use. The Property's features described above, comprise the natural resource, open space and scenic values of the Property and are generally referred to collectively herein as "the Conservation Values" of the Property.

The conservation easement also states that the use of the property for agricultural, commercial, and industrial uses is permitted for a period of ten years. This has enabled SLT to continue leasing the bulk of the Dickson Ranch acreage to the BPSC since 2004. The district is required to enforce the terms of its conservation easements. A breach of the terms of the conservation easement could result in SLT being sued by the District.

Since BPSC's lease will terminate when SLT begins its restoration activities, the EIS/R examined alternative hunting opportunities in the North Bay Region. Black Point Sports Club releases pen-raised pheasants and chukar. There are multiple alternatives within a reasonable distance that could adequately replace or substitute for the displaced recreational use. While the exact suite of services and facilities provided by BPSC may not all be found together at another location, each of the services provided by BPSC is available. Upland game hunting facilities for pheasant and chukar and sporting clay facilities also exist at Birds Landing, located 47.9 miles from BPSC. Slightly further away, Hastings Island Hunting Reserve offers pheasant and chukar hunting near Rio Vista, 51.8 miles from BPSC. These facilities provide liberated birds and offer an extended season similar to or longer than that provided by BPSC. Von Steuben Kennels provides hunting dog training facilities at the Hastings Island Hunting Reserve. Blue Ridge Kennels in Dixon provides training and kenneling services 46.4 miles away. Hunting, including hunting of remnant upland game bird populations, will continue to be available within the project site once the area south of the rail line is restored tidal marsh. These opportunities will supplement other public hunting opportunities that already exist on public, state and federal lands nearby.

Several commenters also mentioned the increase in GHG emissions that could be associated with hunters traveling to more distant locales. Any analysis of GHG emissions associated with an increase in more distant hunting would be speculative because the number of hunters who would choose to travel to these locations, the frequency with which they are traveling, and the changes in hunting habits by other hunters that choose to pursue other forms of hunting cannot be quantified. Evaluation of such speculative potential impacts is not required. Nonetheless, it should be recognized that tidal marshes are highly effective at sequestering carbon, and the proposed project is expected to have a long-term net benefit on GHG sequestration.

As noted in the comments, hunting opportunities on CDFG lands are not identical to those offered on BPSC because CDFG does not stock birds, train dogs, or operate sports club facilities. However, CDFG public lands do provide an equivalent alternative for upland game hunters who prefer to hunt in the immediate vicinity. Pheasant, quail, and dove hunting is currently available within Napa-Sonoma Marshes Wildlife Area Tolay Creek (South), Wingo/Camp Two, Ringstrom Bay, Tolay Creek, and Huichica Creek Units as well as at Cedar Roughs Wildlife Area and Knoxville Wildlife Area. The majority of these locations are within a 17-mile radius, and all are within a 50-mile radius (see Table 3.8-1 for exact distances). Training dogs is also permitted at all of those wildlife areas consistent with Title 14, Sections 550 and 551 of the California Fish and Game Code.

CDFG recognizes that the pheasant hunting season will be shorter (44 days as opposed to several months) and birds will not be actively stocked. However, once the site south of the rail line is restored, it will attract waterfowl, and the waterfowl hunting season is substantially longer, 107 days. All hunting opportunities will be available to the general public. Opening hunting to the general public would result in the increased availability of hunting opportunities to a larger number of people than the current BPSC membership.

While the BPSC is open to members only, the project will create a broader range of opportunities that are available to the general public, providing new opportunities for hiking, cycling, wildlife viewing, ADA accessible trails, environmental education to school groups and the general public, and bayfront viewing, as well as hunting. Following the land transfers to CDFG and USFWS, much of the land south of Highway 37 would be open for public access in accordance with the respective agency determinations, and access would be improved through the addition of trails. As such, it will continue to provide a



gathering place for the families who currently value the site, and many others who currently have no access to the site. The Sears Point site will provide a valuable regional recreational resource for the area.

Collectively, the availability of private hunt clubs in the vicinity of the site, access to public upland hunting in the immediate vicinity of the site, added availability of other types of hunting (primarily waterfowl hunting), and the availability of the new family-oriented recreation that will be available at the Sears Point site provide a range of hunting and recreational resources. The availability of this site to all ages and abilities, particularly when state parks are being closed, will benefit the public. As such the termination of the BPSC lease – a condition of the land transfer that would occur with or without the Proposed Project – is a less than significant impact, as defined under CEQA guidelines.

The text will be clarified to distinguish between the different types of hunting and to distinguish between hunting locations that provide upland and other types of hunting opportunities.

### **Safety of Hunting Facilities**

The CDFG (2006) and International Hunter Education Association (2007) provide statistics on hunting accidents reported in California. Over the 14 years for which data are available, there was an average of 4.1 total incidents per year during hunting for pheasants, ducks, or geese. Among these, fatalities were infrequent, averaging 0.3 per year. A summary of incidents involving pheasant and waterfowl hunting is provided below (Table 1).

**Table 1. Summary of the total number of shooting incidents and portion that were fatal in California by year (Data from CDFG, 2006 and International Hunter Education Association, 2007)**

<b>Year</b>	<b>Total number of shooting incidents statewide involving pheasants or waterfowl</b>	<b>No. of Fatalities</b>
1994	4	0
1995	4	0
1996	5	1
1997	7	0
1998	4	0
1999	3	0
2000	2	0
2001	2	0
2002	5	0
2003	5	1
2004	2	0
2005	10	2
2006	3	0
2007	2	0
<b>Average/year</b>	<b>4.1</b>	<b>0.3</b>

### **Lease Extensions and Compatibility with Restoration**

Several comments requested a long-term (15- to 25-year) extension of the lease for the BPSC. This approach is incompatible with timely restoration and therefore does not meet the goals of the project, is financially infeasible, and does not meet the contractual obligations entered into by SLT and the various state, federal and private funding entities that provided acquisition and/or restoration funds. The project

objectives are “to restore natural estuarine ecosystems on diked baylands; to enhance and manage existing watershed resources (e.g. rivers or streams that drain into the same major waterbody) for ecological benefits, and to retain viable agricultural uses and seasonal wetlands to the maximum extent practical while providing public access and recreational educational opportunities compatible with ecological and cultural resources protection.”

Extending the lease and maintaining BPSC in its current location is financially infeasible. Maintaining the area leased by the BPSC in its current state would require ongoing maintenance of the bayfront levees and ongoing pumping to keep the property, which is at an elevation below sea level, dry. Sonoma Land Trust has been using revenues generated from the BPSC lease for short-term patches to the failing levees, but over the long term these levees would require major upgrades and maintenance that far exceed the income provided through the current leases. Averaging out spending by SLT over the past 5 years on ditch system maintenance, pumping, property taxes, and levee maintenance against the income generated by the BPSC, SLT is losing money, even absent substantial upgrades to the levees.

If the property is maintained as is, the existing levees would eventually fail. In the short term, the levees have been patched, but they would require major upgrades if the property were to be kept in its existing condition. Dickson Ranch has subsided to an average of 3 feet below sea level and without the surrounding levees, would be open water habitat. Under the proposed project design, levee maintenance requirements will be nearly halved: there will be approximately 13,500 feet of new levee under the proposed design as compared to 26,000 feet of existing levee. In addition, the new, shorter levee will be constructed to minimize long-term maintenance needs. It will have a relatively flat slope, which will minimize wave-driven erosion by dissipating wave energy, and provide added material to buffer the encapsulated material if erosion does occur. Funding for construction of the 13,500 feet of new levee will come from state, federal, and private sources for restoration purposes. Public funding for long-term upgrades and maintenance of existing levees on private lands of the magnitude that would be required is not available. Furthermore, to address sea level rise, the replacement levees would have to be higher and more heavily armored to withstand the rising water levels and stronger storms.

Extending the lease is also incompatible with the proposed restoration. The Dickson Ranch Alternative is presented briefly in the DEIS/R (pages 2-33 and 2-34), however it was dismissed from further evaluation because it conflicts directly with the proposed project’s purpose and need; it conflicts with the conditions of the Sonoma County Conservation Easement which was applied to Dickson Ranch; and, maintenance of a lease conflicts with the necessary transfer to CDFG. Extending the BPSC lease would require constructing additional levees to continue to artificially maintain 550 acres in upland habitat. This would decrease the area available for restoration to tidal marsh by more than half, and would prevent attaining the project goal of preserving and restoring a large continuous band of tidal marsh along the bayfront between the Petaluma River and Tolay Creek. In addition, it would require very costly additional levee construction to isolate the leased area from the area that would be available for restoration. Sonoma Land Trust has received funding for the acquisition and restoration of the Sears Point Watershed Restoration Project from multiple state, federal, and private sources. Upon acceptance of funding, SLT agreed to conditions stipulated in the various funding and other agreements. These include the conservation easement held by the Sonoma County Agricultural Preservation and Open Space District over the Dickson Ranch, which states that activities must be consistent with the defined conservation values. The contribution of nearly \$8 million by the Moore Foundation was specifically for purchase of the Sears Point properties, including the Dickson Ranch, and development of the tidal wetland and watershed restoration plan. Failure to use the property for the intended purposes would be a breach of contract, a potential violation of the conservation easement, and could require repayment of funds.

### **Extensive Tidal Marshes Exist in the North Bay**

Although it may appear that there is an extensive network of tidal wetland habitat within the North Bay region, approximately 70% of the historic tidal wetlands of the North Bay have been lost. The loss is mostly due to diking and filling of tidal habitat for the purposes of agriculture, urban development, and salt production. Approximately 16,347 acres of tidal marsh remain with another 38,729 acres that have been diked and converted, or filled (Goals Project 1999). Of these, less than 8,000 acres have been restored to tidal marsh, all of which will rely on natural sedimentation and will take a number of years to provide the full complement of tidal marsh functions and values. The proposed project will help sustain biological diversity and healthy ecosystems in the San Francisco Bay estuary system and will help substantially advance progress towards meeting restoration acreage targets in the North Bay.

### **The Current Land Use Provides Habitat Value**

It has been documented that annual grassland habitat provides habitat value, including non-native annual grassland such as that for which the BPSC area is currently being managed. Non-native annual grasslands adjacent to the baylands are frequented by many species of wildlife. In summer, amphibians use grasslands to avoid heat stress. Reptiles associated with grasslands include racer, coachwhip, and gopher snakes. In winter, grasslands provide important foraging habitat for sandhill crane, Canada geese, and many species of migratory shorebirds. Some of the other bird species commonly associated with grasslands include turkey vulture, black-shouldered kites, red-tailed hawk, northern harrier, American kestrel, burrowing owl, western meadowlark, and savannah sparrow. Mammals that reside in grasslands include ornate shrew, broad-footed mole, coyote, California ground squirrel, Botta's pocket gopher, western harvest mouse, and California vole (Goals Project 1999). However, the cropland management aspect of BPSC may only provide very marginal and temporary habitat values. Management of farmland in the baylands may not be ideal for plant and wildlife species due to conflicts in spring harvest timing versus bird nesting periods, annual disturbance regimes (i.e. disturbance regime of wetlands), and high level of disturbance (i.e. vegetation completely removed annually).

Restoration of tidal marsh habitat will provide a benefit by improving habitat conditions and increasing habitat of several special-status and listed plant and wildlife species in the region.

### **Hunters are Conservationists and Economic Supporters of Conservation**

Hunters are good stewards of land. An organization like Sonoma Land Trust with a conservation mission will also be a competent private land steward as illustrated by the Land Trust's extensive track record for acquiring and preserving Sonoma County's legacy landscapes over the past 30 years. SLT, CDFG, and USFWS invite all who feel strongly connected to the Sears Point property to join them in continuing to be good stewards of the land.

Sonoma Land Trust, CDFG, and USFWS recognize the important contribution hunters make to restoration and conservation efforts. CDFG depends on the fees from the sale of hunting and fishing licenses for the majority of its funding for fish and wildlife programs and projects which support habitat preservation for a variety of purposes. Transfer of the property south of the rail line to CDFG was specifically selected so that hunting would be possible on that area. However, the goals of the project cannot be met while maintaining the area south of the rail line in uplands.

### **Family Heritage and Family Cultural Value of BPSC**

SLT and the future landowners acknowledge the long-standing connection many families have to the BPSC. SLT's efforts to work with the BPSC to identify alternate locations and to extend the lease as long as possible reflect our recognition of the value that members place on the club. Nonetheless, as discussed earlier, maintaining the club in its present location is infeasible for economic and environmental reasons, and incompatible with the overall goals of the project.

**References:**

California Department of Fish and Game (CDFG). 2006. Available at:

<http://www.dfg.ca.gov/huntered/stats/index.aspx>. Accessed 19 February 2010.

Goals Project. 1999. Baylands Ecosystem Habitat Goals. A report of habitat recommendations prepared by the San Francisco Bay Area Wetlands Ecosystem Goals Project. First Reprint. U.S. Environmental Protection Agency, San Francisco, Calif./S.F. Bay Regional Water Quality Control Board, Oakland, Calif.

International Hunter Education Association. 2007. Available at: <http://www.ihea.com/news-and-events/incident-reports/index.php>. Accessed 19 February 2010.

## INDIVIDUAL COMMENT RESPONSES

### Comments from Government Agencies

#### U.S. Environmental Protection Agency

##### Comment EPA-1

*Response:* Actions that could have direct and indirect impacts to waters of the U.S., and that may be subject to Section 404 of the Clean Water Act, include interior grading activities that may affect water flow, and earthmoving activities in the vicinity of wetlands. Potential work in the vicinity of wetlands is discussed in the Project Description, and includes work in and around the agricultural/seasonal wetlands, in the existing drainage ditches, adjacent to the railroad tracks, and outboard of the perimeter levee in accreted marsh, San Pablo Bay, and Tolay Creek (including utility relocation and potential dredging). The Project Description has been expanded to more clearly describe the proposed dredging activities and other earthmoving activities that may occur outboard of the perimeter levee.

##### Comment EPA-2

*Response:* The corrective action plan for the lead- and PAH- contaminated soil does not currently address potential risks associated with short term construction-related release to air and water. Dust control methods would be utilized during construction to prevent soil migration and standard Storm Water Pollution Prevention Plan Best Management Practices would be implemented to prevent runoff. The levee would be designed to meet current engineering standards to minimize the risk from levee failure (3.1-14). This includes meeting current seismic resistance standards, and addressing the potential for erosion due to tidal forces. Placement of contaminated sediments would be limited to the northern section of the levee, which is less subject to erosive forces. The contaminated sediments would be encapsulated within the levee and the levee would be gently sloped on the outboard to create ecotone and reduce potential erosion due to wave and tidal action. Sea level rise was considered in the design of the levee. Gradual outboard levee slopes varying from 10:1 to 20:1 will provide protection of the levee and the encapsulated contaminated material from erosion. Given the rapid accretion rates in the region, it is expected the marsh will rapidly develop along the outboard toe of the levee, providing additional protection from erosion and sea level rise. In addition, the long term soil management plan would include periodic levee inspections, no less frequently than annually, by qualified personnel to inspect for erosion and other potential failures.

##### Comment EPA-3

*Response:* The methyl mercury adaptive management strategy has been revised to more closely reflect the current approach to addressing methyl mercury considerations in San Francisco Bay. As discussed in the text (Section 3.3), current information suggests that tidal wetlands do not contribute to methyl mercury production in the same manner as freshwater wetlands. Nonetheless, methyl mercury monitoring is proposed as part of mitigation measure WQ-MM-3. Methyl mercury monitoring will focus on biota, with an emphasis on resident sentinel species, most likely biosentinel fish. The proposed monitoring would be coordinated with other methyl mercury biological monitoring conducted as part of the Regional Monitoring Program (RMP), and any other methyl mercury monitoring efforts that may be implemented in the North Bay during the designated monitoring period for this project. In addition, the methyl mercury adaptive management strategy will include participation in a Technical Advisory Committee (TAC) or Group; preferably an existing group that includes representatives from multiple agencies and projects, such as the South Bay Salt Pond Project TAC. The methyl mercury adaptive management strategy will be modified as necessary to reflect increased understanding of mercury cycling in San Francisco Bay. The methyl mercury monitoring plan will be developed in more detail during the permitting phase, to ensure that it meets resource and regulatory agency needs, and will include monitoring objectives and timelines; information needs, needed financial, technical and human resources;

list of responsible parties; the monitoring results evaluation process (including indicators and criteria); the data management process; the process for communicating results.

Comment EPA-4

*Response:* The construction contracts will include measures to reduce combustion pollutants to address particulate matter (PM 2.5) exposure from diesel engines consistent with the new BAAQMD CEQA guidelines where feasible. The contractor would be required to submit an inventory of equipment to confirm compliance with the Level 3 abatement device requirements of the CARB. In addition mitigation may include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, reduction in idling time, add-on devices such as particulate filters, and/or other options as they become available. Measures as listed in the October 16, 2009 comment letter were evaluated and would be incorporated into the construction effort where feasible.

Comment EPA-5

*Response:* Table 1-1 was modified to address the regulatory process for dredging/excavating and filling of the wetlands. The Project Description describes all construction-related activities including those associated with the access road, bay trail segments, and utility relocation that would occur in waters of the U.S. These activities are evaluated in relevant impact sections of the EIS/R. No unavoidable significant impacts to waters of the U.S. have been identified. Compensatory mitigation would not be required; the project has been designed to provide an equivalent or greater amount of wetland habitat than is disturbed, and to improve the quality of existing habitat.

Comment EPA-6

*Response:* Please refer to the response to Comment EPA-2.

Comment EPA-7

*Response:* Please refer to the response to Comment EPA -3.

Comment EPA-8

*Response:* Please refer to the response to Comment EPA -4.

Association of Bay Area Governments – Bay Trail Project (written), October 13, 2009

Comment Bay Trail-1

*Response:* The biological impact analysis (3.5-34) states that there could be a loss of or disturbance to wetland habitats and associated species from the project. While the project has been designed to minimize potential human and wildlife interaction through the creation of a shallow-sloping levee, California clapper rail and/or black rail may use the higher elevation habitat adjacent to the trail as refugia during higher tides. These species may be present as soon as suitable habitat develops. Due to the design of the levee with its gentle outboard slope, the site will have areas suitable for colonization by tidal marsh vegetation immediately following construction.

The federal Endangered Species Act protects the habitat of California clapper rail, and salt marsh harvest mouse, and California Endangered Species Act additionally protects California black rail. Seasonal closures, if necessary to protect these species, would be at the discretion of the future property owners, USFWS and CDFG, which are also the agencies charged with protecting these species.

Comment Bay Trail-2

*Response:* The EIS/R was revised to clarify that only Segment 1 has been proposed or adopted as Bay Trail and that it is proposed to be located south of the SMART Right-of-Way. Also the EIS/R was

changed to reflect that all other segments are alternative alignments that are not part of ABAG's Bay Trail Plan or Sonoma County Parks Sonoma Bay Trail Corridor Plan.

#### Comment Bay Trail-3

*Response:* Section 3.8 was revised to clarify that if Segment 1 is not included in the project, it would not conform to the existing Bay Trail Plan or Sonoma County Parks Sonoma Bay Trail Corridor Plan. Seasonal closures may be implemented at the discretion of the future landowners, CDFG and USFWS, which are also the agencies responsible for determining the protection that would be needed under the Federal and State Endangered species acts, respectively. However, we do not agree that seasonal closures of Segment 1 "...will significantly hinder the stated goals of the Bay Trail Plan and the Sonoma Bay Trail Corridor Plan..." In fact, the creation of the proposed trail segments, including alternative alignments, is an improvement over existing conditions, where the only legal connection between the two existing segments is via Highway 37.

### **Comments from Local Agencies, Organizations and Businesses**

California Outdoor Heritage Alliance (Rick Bulloch, verbal; and Bill Gaines, written), September 22, 2009 and October 9, 2009

#### Comment COHA-1v

*Response:* Please see Master Comment Response 1.

#### Comment COHA-2v

*Response:* Please see Master Comment Response 1.

#### Comment COHA-3v

*Response:* Please see Master Comment Response 1.

#### Comment COHA-1w

*Response:* The EIS/R recognizes the wildlife and public benefits currently provided by the site in the description of the project baseline, the No Action Alternative, and in each impact section. The No Action Alternative describes the scenario that would reasonably be expected to occur if neither the proposed project nor any other action alternative were implemented at the site, based on community plans and consistent with available infrastructure and community services. The No Action Alternative description has been clarified to explain the changes that would likely occur at the site over time absent the project. The most likely long-term scenario is levee failure followed by uncontrolled flooding of the site. These changes to the site would affect the quality of the existing wildlife habitat and public benefits. Specifically, Sonoma Land Trust and the future land owners, CDFG and USFWS, cannot afford to maintain the perimeter levees and continue sufficient pumping the site to maintain it in its current condition, and ensure the same level of flood protection over the long term. As discussed in the No Action Alternative, averaging out spending by SLT over the past 5 years on ditch system maintenance, pumping, property taxes, and limited levee maintenance against the income generated by the Black Point Sports Club, SLT is losing money maintaining the property in its current condition. There is also no funding available in the long term to adequately maintain the deteriorating perimeter (waterfront) levees, which are required to keep the site in an upland condition. The existing levees have been patched, but would require major upgrades if the property were to be kept in upland condition. Dickson Ranch is an average of 3 feet below sea level, and would be open water habitat without the surrounding levees. Under the proposed project design, levee maintenance requirements would be nearly halved: there would be approximately 13,500 feet of new levee under the proposed design as compared to 26,000 feet of existing levee, pumping costs would be reduced, and maintenance costs for the tidal portion of the property would be eliminated. Absent planned restoration, the most likely future scenario is that the levees would breach unpredictably and flood the site at some future time. In fact, given current site elevations, more land

would flood from an uncontrolled levee breach than under the Proposed Project. In addition, an uncontrolled levee breach would also flood the railroad tracks. The project area includes substantial upland habitat north of Highway 37 which can be used by existing upland species.

Comment COHA-2w

*Response:* Please see Master Comment Response 1.

Comment COHA-3w

*Response:* Please see Master Comment Response 1.

Comment COHA-4w

*Response:* Please see Master Comment Response 1.

California Rifle and Pistol Association (verbal and written), September 22, 2009 and October 15, 2009

Comment CRPA-1v

*Response:* Please see Master Comment Response 1.

Comment CRPA-2v

*Response:* Conservation efforts in the San Francisco Bay Area are guided by the Bayland Ecosystem Habitat Goals Report (1999). The report was developed by a collaboration of the U.S. Environmental Protection Agency and the San Francisco Bay Regional Water Quality Control Board, with input from many scientific experts. The report sets goals for acquisition and restoration of bayland habitats. Relative to the goals, the Bay Area has made far greater progress towards acquisition than restoration of baylands habitats. Restoration of the Sears Point project area would substantially advance progress towards meeting restoration acreage targets in the North Bay. This site is expected to increase the viable habitat for salt marsh harvest mouse and California clapper rail as well as several other endangered species as the restored marsh area evolves. One of the primary goals of the project is to contribute to the recovery of numerous species protected under the federal Endangered Species Act and the California Endangered Species Act (p. 1-7).

Comment CRPA-3v

*Response:* Please see Master Comment Response 1.

Comment CRPA-1w

*Response:* Please see Master Comment Response 1.

Marin Audubon (verbal and written), September 22, 2009 and October 5, 2009

Comment MAS-1v

*Response:* Comment acknowledged.

Comment MAS-2v

*Response:* Comment acknowledged.

Comment MAS-3v

*Response:* Comment acknowledged.

Comment MAS-4v

*Response:* Comment acknowledged.

Comment MAS-5v



*Response:* Comment acknowledged.

Comment MAS-1w

*Response:* Any panes that are constructed will be oriented longitudinally with the direction of prevailing wind, if feasible, and/or will be of sufficient size so they receive the maximum wind disturbance. Pane design and placement will be reviewed by mosquito abatement and regulatory agencies.

Comment MAS-2w

*Response:* A summary of potential construction work and potential species protection windows was added to the EIS/R.

Comment MAS-3w

*Response:* The proposed seasonal wetlands locations will be further refined based on the formal wetland delineation in process. Agricultural activities in this area have been relatively effective at excluding non-native invasive plant species. Some of the existing seasonal wetlands (also referred to as agricultural wetlands) will be managed to enhance their wetland functions (wetland priority areas).

Comment MAS-4w

*Response:* The specific suitable habitat outside the construction area would be identified in conjunction with the USFWS. Habitat is currently available at the Infineon Raceway property and other nearby areas including the unidentified source pond discussed in the EIS/R (3.5-21). In addition, habitat restoration is proposed north of Highway 37 and upon completion this area may be determined to be more appropriate by USFWS.

Comment MAS-5w

*Response:* Please see Master Comment Response 1.

National Rifle Association of America (written), October 12, 2009

Comment NRA-1

*Response:* Please see Master Comment Response 1.

Comment NRA-2

*Response:* Please see Master Comment Response 1.

Comment NRA-3

*Response:* Please see Master Comment Response 1.

Comment NRA-4

*Response:* Please see Master Comment Response 1.

Comment NRA-5

*Response:* Please see Master Comment Response 1.

Comment NRA-6

*Response:* Please see Master Comment Response 1.

Comment NRA-7

*Response:* Please see Master Comment Response 1.

Comment NRA-8

*Response:* Please see Master Comment Response 1.

Northwestern Railroad Pacific Company (NWP Co.), October 12, 2009

Comment NWPCo.-1

*Response:* The DEIR/S described the level of service at the time that the DEIR/S sent out a NOP and began the environmental evaluation. The NWP Co. plans for the rail line will be added to the Transportation analysis in the No Action Alternative. Although there may be some level of future use of the existing inactive rail line within the proposed project area, there has not been a specific level of service described. The proposed project will take steps to ensure compatibility with the SMART rail line based upon railroad activity at the time of construction. SLT will coordinate with SMART and NWP Co. as part of the construction scheduling to minimize any operational effects on the use of the rail line during project construction.

SLT acknowledges NWP Co.'s recommendation of an overpass or underpass.

Comment NWPCo.-2

*Response:* The trail will be constructed entirely outside of the 50-foot railroad right of way and this was clarified in the final document. The trail and its shared trail/road use will comply with generally accepted safety standards and setbacks for similar projects located within the region.

Currently no safety structure will be required; however, the 3:1 slope on the upland (railroad) side of the levee should help deter access to the SMART right of way. The existing levee already completed on the Sonoma Baylands project site is very similar to the design and layout proposed for this project.

In addition, SMART will be added to Table 1-1 as giving approval for work conducted in the right of way.

San Francisco Bay Joint Venture (verbal), September 22, 2009

Comment SFBJV-1v

*Response:* Comment acknowledged.

Comment SFBJV-2v

*Response:* Comment acknowledged.

Sonoma-Marin Area Rail Transit (SMART) (written), October 12, 2009

Comment SMART-1

*Response:* The trail will be constructed entirely outside of the SMART right of way. Currently no safety structure will be required; however, the 3:1 slope on the upland (railroad) side of the levee should help deter access to the SMART right of way. The existing levee already completed on the Sonoma Baylands project site is very similar to the design and layout proposed for this project.

Comment SMART-2

*Response:* SLT will address the issue of differential settlement with an additional geotechnical analysis to be completed as part of the final design phase. In addition, SLT welcomes the input of SMART engineers on the final design calculations.

Comment SMART-3

*Response:* The issue of land use conflict will be addressed where the proposed project may encroach on the SMART right of way.

Comment SMART-4

*Response:* The SLT will continue to coordinate closely with SMART and communicate project plans. A separate mitigation measure is not required.

Comment SMART-5

*Response:* Comment acknowledged. The goal identified in the DEIR/S “To ensure public health and safety...” is written to include the SMART right of way with the intent to ensure public health and safety along the SMART right of way, in relation to the future trail and public access in close proximity to rail operations. Expanding the goal is not necessary because public safety along the SMART right of way is considered a component of the project’s general goal of public safety.

Comment SMART-6

*Response:* The Proposed Project consists of tidal restoration south of the railroad and seasonal wetland restoration between the railroad and Highway 37. A full tidal alternative was considered but not selected due to cost and habitat diversity considerations. If a project is pursued in the future to include a full tidal action north of the rail line, SMART and NCRA will be consulted during the planning phase of the project.

Comment SMART-7

*Response:* We were unable to locate any such comment and the statement will be removed from the final EIR/S document.

Comment SMART-8

*Response:* As the DEIR/S states, additional geotechnical analysis will be completed as part of the final design. These issues will be addressed as part of that analysis.

Comment SMART-9

*Response:* SMART will be added to Table 1-1 as giving approval for work conducted in the right of way.

Comment SMART-10

*Response:* Comment acknowledged. The information will be corrected and clarified. The proposed Bay Trail alignment will be south of the rail line. The DEIS/R was inconsistent with respect to project elements within the railroad right of way. Inconsistencies have been corrected in the FEIS/R to clarify that the entire levee (including the trail) will be outside the 50-foot right-of-way.

Comment SMART-11

*Response:* Consideration will be given to the feasibility of shipping project construction materials by rail as a potentially environmentally friendlier option than shipping materials by truck. However, it should be noted that the volume of material to be imported to the site is expected to be relatively small, as most fill will be generated from within the site.

Comment SMART-12

*Response:* An analysis of the SMART rail line based upon active freight service is not required due to the inactivity of the rail line at the time of the Notice of Preparation (NOP). However, resumption of rail service is included in the cumulative impact analysis.

Comment SMART-13

*Response:* The California Department of Fish and Game will post signs limiting hunting in the vicinity of the SMART right of way.

Comment SMART-14

*Response:* The levee will be constructed outside of the SMART right of way, such that the northern toe of the levee will not encroach on the right-of-way. The project design also includes appropriate water management (stormwater drainage) capacity to minimize pooling of rainwater in the area between the levee and the railroad embankment (see response to Comment SMART-15, below). Vegetation management will continue to be the responsibility of SMART within its right of way, and the area will continue to be accessible for mowing and/or vegetation removal.

Comment SMART-15

*Response:* Stormwater modeling was included as a component of the February 2007 restoration plan for the project site. The levee configuration will be similar to the configuration constructed for the Sonoma Baylands project site. Neither drainage nor flooding has been problematic at that site. Required capacity and drainage patterns are currently being evaluated and the final design of the project will ensure that water does not pond in the right of way and that no additional wetlands are created in these areas. The drawdown curves will be reviewed by the engineering team during the final design process to ensure the site is designed appropriately to facilitate adequate drainage.

Comment SMART-16

*Response:* Pursuant to the Corrective Action Plan the lead-contaminated soil will be placed under a minimum of 3' surface grade material to prevent leaching or migration (Northgate Environmental Management, 2006) and placement and long-term management will be regulated by the San Francisco Bay RWQCB. The Corrective Action Plan was approved by the SFRWQCB in 2008. The proposed placement was designed to prevent leaching of lead from the containment area. Elemental lead is insoluble in water. However, lead compounds exhibit a range of solubility when in contact with soil, moisture, and oxygen. Encapsulating the material under three feet of cover as described in the Corrective Action Plan "reduces mobility of lead and PAHs, inhibits surface weathering processes, and significantly limits potential migration away from the site. Additionally, the final placement elevation of the affected soil is several feet above the groundwater surface, further reducing its potential to solubilize in the groundwater."

Comment SMART-17

*Response:* Comment acknowledged with clarification. No dredging is proposed on Tolay Creek.

Comment SMART-18

*Response:* Comment acknowledged. The evaluation of the need to relocate the utility has been completed, and the preferred alignment calls for the utility to be relocated such that crossing of the rail line is not required. However, if the preferred alignment is later determined not to be feasible, and crossing of the rail road tracks in a new location is required, SLT would work with the utility and SMART to determine a mutually-agreeable location, and all appropriate precautions would be employed during construction and maintenance of the line.

Comment SMART-19

*Response:* Comment acknowledged. The proposed project will not interfere with SMART's maintenance activity of mowing and/or removing vegetation within the entire right of way.

Comment SMART-20

*Response:* The proposed access road does not cross the SMART track.

Comment SMART-21

*Response:* The trail will be constructed outside of the 50-foot right of way and this information has been clarified in the final document. Since the trail is outside the right of way, a safety structure is not required.

Comment SMART-22

*Response:* The requested modification was made to Table 1-1.

Comment SMART-23

*Response:* Comment Acknowledged. SLT will work with SMART regarding the development of a public crossing.

Comment SMART-24

*Response:* The currently proposed project does not include the full tidal alternative. If the full tidal alternative is pursued in the future the project proponents would work in close coordination with SMART.

Comment SMART-25

*Response:* The trail segment and levees will be located outside of the SMART right of way under all alternatives that include levees and trails, and this information was corrected in the final document.

Comment SMART-26

*Response:* Comment acknowledged. This work would be a component of routine operations and maintenance under the full tidal alternative.

Comment SMART-27

*Response:* Potential seismic risks to existing structures will be evaluated during and addressed as part of the final design.

Comment SMART-28

*Response:* There will be no effect on the storm water drainage capacity in Tolay Creek.

Comment SMART-29

*Response:* The rail line was inactive at the time of the NOP, and this land use status was clarified in the document. Future active use of the rail line is addressed as part of the cumulative impact analysis.

Comment SMART-30

*Response:* The proposed project is designed to provide compatibility with the SMART rail line by avoiding the right of way, providing for stormwater drainage between the levee and the railroad embankment, working toward a permitted public crossing to provide access to the trail, and providing access for vegetation control within the right of way. This information was provided in the land use section. Planned operations are addressed as part of the cumulative impacts analysis. There is currently no proposed plan to disrupt use of the rail line during project construction.

Comment SMART-31

*Response:* The lead-contaminated soil will be placed and covered with a minimum of three feet of cover to prevent leaching or migration, pursuant to the Corrective Action Plan (Northgate Environmental Management, 2006). The levee will be designed to meet current seismic standards, and

will be vegetated. This will minimize the threat of erosion and/or failure of the levee to the north. Elemental lead is insoluble in water. However, lead compounds exhibit a range of solubility when in contact with soil, moisture, and oxygen. Encapsulating the material under three feet of cover as described in the Corrective Action Plan “reduces mobility of lead and PAHs, inhibits surface weathering processes, and significantly limits potential migration away from the site. Additionally, the final placement elevation of the affected soil is several feet above the groundwater surface, further reducing its potential to solubilize in the groundwater.”

Comment SMART-32

*Response:* The project construction and phasing will follow standard protocols for this region. SLT will consult with SMART to ensure that construction operations will be compatible with rail operations, should the rail line be in active service at the time construction is slated to begin.

Comment SMART-33

*Response:* Comment acknowledged.

Comment SMART-34

*Response:* The SMART rail operations were added to the list of projects considered in the cumulative impacts analysis.

Comment SMART-35

*Response:* Comment acknowledged. See Response to Comment: SMART-31 (above).

### **Comments from Individuals**

Richard Allen (written), September 21, 2009

Comment Richard Allen-1

*Response:* Please see Master Comment Response 1.

Comment Richard Allen-2

*Response:* Please see Master Comment Response 1.

Comment Richard Allen-3

*Response:* Please see Master Comment Response 1.

Gabino Alonso (written), September 22, 2009

Comment Gabino Alonso-1

*Response:* Please see Master Comment Response 1.

Comment Gabino Alonso-2

*Response:* Please see Master Comment Response 1.

David Ament (written), September 21, 2009

Comment David Ament-1

*Response:* Please see Master Comment Response 1.

Bruce Anderson (written), September 22, 2009

Comment Bruce Anderson-1

*Response:* Please see Master Comment Response 1.

Comment Bruce Anderson-2

*Response:* Acquisition and restoration are both essential components of preserving lands. Conservation efforts in the San Francisco Bay Area are guided by the Bayland Ecosystem Habitat Goals Report (1999). The report was developed by a collaboration of the U.S. Environmental Protection Agency and the San Francisco Bay Regional Water Quality Control Board, with input from many scientific experts and the public. The report sets goals for acquisition and restoration of bayland habitats. Restoration of the Sears Point project area would substantially advance progress towards meeting restoration acreage targets in the North Bay and would address a primary goal of restoring a continuous band of tidal marsh between the Petaluma River and Tolay Creek.

Mark and Kathleen Archer (written), September 20, 2009

Comment Mark and Kathleen Archer-1

*Response:* Please see Master Comment Response 1.

Mark and Kathleen Archer (written), September 21, 2009

Duplicate

Anthony Arington (written), September 22, 2009

Comment Anthony Arington-1

*Response:* Please see Master Comment Response 1.

Lynn Axelrod (verbal), September 22, 2009

Comment Lynn Axelrod-1

*Response:* We respect the need for people to understand the sources of their food. However, restoration of the site would in no way preclude people from experiencing that connection. After the site is restored, hunting would be allowed south of the rail line, and fishing opportunities that do not currently exist will be provided. The site would be available to a larger number of people for consumptive recreational uses than under current conditions.

Comment Lynn Axelrod-2

*Response:* The project does not propose nor would it indirectly lead to any urban development. On the contrary, restoration south of the railroad tracks would permanently prevent that area from being developed, and preserve it for hunting in the long term, although the primary type of hunting would shift from upland game species to waterfowl.

Comment Lynn Axelrod-3

*Response:* Please see Master Comment Response 1.

Comment Lynn Axelrod-4

*Response:* Please see Master Comment Response 1.

Comment Lynn Axelrod-5

*Response:* Please see Master Comment Response 1.

Comment Lynn Axelrod-6

*Response:* Please see Master Comment Response 1.

Comment Lynn Axelrod-7

*Response:* Please see Master Comment Response 1.

Chris Barger (written), September 24, 2009

Comment Chris Barger-1

*Response:* Please see Master Comment Response 1.

Comment Chris Barger-2

*Response:* The BPSC area would be flooded to create tidal salt marsh which would evolve over time. Salt marsh habitat is used by a wide variety of plant, bird, and wildlife species. This type of habitat is also used by several endangered species. Existing wildlife species would be displaced to surrounding upland areas that are protected as open space as part of this project (3.5-41 through 3.5-48). Please also see Master Comment Response 1.

Comment Chris Barger-3

*Response:* The potential for flooding has been carefully evaluated in the project plan. The project would be designed and engineered to protect Highway 37 and existing farmland and farming infrastructure by constructing a levee on the south side of the existing railroad tracks. A second smaller levee, or berm, would also be constructed north of the railroad tracks. This berm would be about three feet tall, and may provide vehicular access along its crest, depending on selected access road route. The levee(s) would be designed to meet applicable criteria pertaining to height, slope, and seismic resistance. The new levees would provide an equal or higher level of flood protection to the railroad, Highway 37 and farming areas than the current perimeter (water front) levee. (ES-3, Table 2-2, 3.2-11).

Comment Chris Barger-4

*Response:* Sonoma Land Trust shares the concern over proper remediation of the lead shot in the project area. SLT had the property sampled by Northgate Environmental Management, and high lead concentrations were found in the skeet range. A Corrective Action Plan (Northgate Environmental Management, 2006) characterizing soil contaminant levels and outlining appropriate remediation within the context of restoration was submitted to the San Francisco Bay RWQCB in December 2006 and approved in 2008. Levels of lead below regulatory thresholds throughout the rest of the project area are expected to be covered by sediments as they accrete throughout the area, further reducing potential risks to waterfowl. In addition, SLT required that the BPSC switch to steel shot when SLT acquired the land. The remediation was described in a corrective action plan approved by the SFRWQCB in 2008. (3.3-8, 3.3-25, 3.9-6)

Comment Chris Barger-5

*Response:* Existing land use practices would continue with minimal modification on the property north of the rail line. South of the rail line, tidal marsh would be restored. Tidal marshes are carbon sinks and are considered to be among the most effective means of sequestering carbon (removing carbon dioxide from the atmosphere and trapping it in organic matter). Unlike freshwater wetlands, tidal salt marshes produce negligible amounts of methane. Methane is among the most powerful greenhouse gases, and is commonly associated with freshwater wetlands.

Brent Barnes (written) September 22, 2009

Comment Brent Barnes-1

*Response:* Please see Master Comment Response 1.

Comment Brent Barnes-2

*Response:* Please see Master Comment Response 1.

Larry P. Barsetti (written), September 21, 2009

Comment Larry P. Barsetti-1

*Response:* Please see Master Comment Response 1.



Robert Becchetti (written), September 21, 2009

Comment Robert Becchetti-1

*Response:* Please see Master Comment Response 1.

Doug Behrens (written), September 20, 2009

Comment Doug Behrens-1

*Response:* Please see Master Comment Response 1.

David Bengtson (written), October 13, 2009

Comment David Bengtson-1

*Response:* Please see Master Comment Response 1.

Comment David Bengtson-2

*Response:* Please see Master Comment Response 1.

Comment David Bengtson-3

*Response:* Please see Master Comment Response 1.

George and Cheryl Brabo and family (written), September 29, 2009

Comment George and Cheryl Brabo-1

*Response:* Please see Master Comment Response 1.

Bill Buchanan (written), September 20, 2009

Comment Bill Buchanan-1

*Response:* Please see Master Comment Response 1.

Comment Bill Buchanan-2

*Response:* Please see Master Comment Response 1.

Comment Bill Buchanan-3

*Response:* Please see Master Comment Response 1.

Comment Bill Buchanan-4

*Response:* Comment acknowledged. The pheasants that are raised and hunted at BPSC are likely being treated more humanely than factory-farmed animals, and some of the birds raised at BPSC undoubtedly escape to adjacent areas.

Comment Bill Buchanan-5

*Response:* Please see Master Comment Response 1.

Edward "Buck" Buchanan (written), September 22, 2009

Comment Edward Buchanan-1

*Response:* Please see Master Comment Response 1.

Comment Edward Buchanan-2

*Response:* Please see Master Comment Response 1.

George Canon (written), September 23, 2009

Comment George Canon-1

Response: Sonoma Land Trust is a local, non-governmental, non-profit organization funded largely by membership contributions; it represents the interests of its members. Sonoma Land Trust conserves scenic, natural, agricultural and open land for the future of Sonoma County by:

- Developing long-term land protection strategies,
- Promoting private and public funding for land conservation,
- Acquiring land and conservation easements,
- Stewardship including the restoration of conservation properties, and
- Promoting a sense of place and a land ethic through activities, education and outreach.

The Land Trust works closely with private landowners, the Sonoma County Agricultural Preservation and Open Space District and other public agencies at all levels of government, non-profit partners, and foundations. The acquisition and proposed restoration of the project site is in complete alignment with SLT's mission and goals.

Comment George Canon-2

*Response:* Please see Master Comment Response 1.

Comment George Canon-3

*Response:* Please see Master Comment Response 1.

Bruce Carter (verbal), September 22, 2009

Comment Bruce Carter-1

*Response:* Please see Master Comment Response 1.

Comment Bruce Carter-2

*Response:* Please see Master Comment Response 1.

Edward J. Collins (written), September 22, 2009

Comment Edward J. Collins-1

*Response:* Please see Master Comment Response 1.

Cteandriano@netscape.net (written), September 22, 2009

Comment Cteandriano@netscape.net-1

*Response:* Comment acknowledged.

Gerry Damiano (written), September 24, 2009

Comment Gerry Damiano-1

*Response:* Please see Master Comment Response 1.

Comment Gerry Damiano-2

*Response:* Please see Master Comment Response 1.

Comment Gerry Damiano-3

*Response:* Comment acknowledged.

David Distad (written), September 23, 2009

Comment David Distad-1

*Response:* Please see Master Comment Response 1.

Mike Doherty (written), September 22, 2009

Comment Mike Doherty-1

*Response:* Comment acknowledged.

Mark Doolittle (written), September 21, 2009

Comment Mark Doolittle-1

*Response:* Please see Master Comment Response 1.

Thomas Ehrich (written), September 21, 2009

Comment Thomas Ehrich-1

*Response:* Please see Master Comment Response 1.

Comment Thomas Ehrich-2

*Response:* Please see Master Comment Response 1.

Comment Thomas Ehrich-3

*Response:* Please see Master Comment Response 1.

Todd Ellinwood (written), September 23, 2009

Comment Todd Ellinwood-1

*Response:* Please see Master Comment Response 1.

Joseph J. Erasmy (written), October 4, 2009

Comment Joseph J. Erasmy-1

*Response:* Please see Master Comment Response 1.

Comment Joseph J. Erasmy-2

*Response:* Please see Master Comment Response 1.

Kenneth Erkson (written), September 21, 2009

Comment Kenneth Erkson-1

*Response:* Please see Master Comment Response 1.

Matt Faletti (written) September 19, 2009

Comment Matt Faletti-1

*Response:* Please see Master Comment Response 1.

Eugene Fassi (written), October 4, 2009

Comment Eugene Fassi-1

*Response:* Please see Master Comment Response 1.

Comment Eugene Fassi-2

*Response:* Please see Master Comment Response 1.

Mark Fichtler (written and verbal), September 22, 2009

Comment Mark Fichtler -1v

*Response:* Please see Master Comment Response 1.

Comment Mark Fichtler -1w

*Response:* Please see Master Comment Response 1.

Paul S. Finkle (written), September 22, 2009

Comment Paul S.Finkle-1

*Response:* Please see Master Comment Response 1.

Comment Paul S. Finkle-2

*Response:* Please see Master Comment Response 1.

Comment Paul S. Finkle-3

*Response:* Please see Master Comment Response 1.

Bob Fischer (written), September 23, 2009

Comment Bob Fisher-1

*Response:* Comment acknowledged.

Charles L. Forrest (written), September 21, 2009

Comment Charles L. Forrest-1

*Response:* Please see Master Comment Response 1.

Comment Charles L. Forrest-2

*Response:* Please see Master Comment Response 1.

Comment Charles L. Forrest-3

*Response:* Please see Master Comment Response 1.

Brian Foster (written), September 21, 2009

Comment Brian Foster-1

*Response:* Please see Master Comment Response 1.

Comment Brian Foster-2

*Response:* Please see Master Comment Response 1.

Comment Brian Foster-3

*Response:* Please see Master Comment Response 1.

Edward Fotsch, MD (written), September 19 and September 20, 2009

Comment Edward Fotsch-1

*Response:* Please see Master Comment Response 1.

Dennis D. Freeman (written), September 23, 2009

Comment Dennis D. Freeman-1

*Response:* EIRs and EISs are intended to address the potential direct and indirect effects of a project on the environment. Analysis of license fee allocations and Pittman-Robertson allocations is not required for this document. It should also be noted that while upland game hunting would be displaced from the area south of the railroad track, an alternative hunting option (waterfowl) would be available in that same area, and therefore some fees and taxes would still be allocated to the same area(s) as the fees and taxes currently generated due to hunting activity at the BPSC. Please also see Master Comment Response 1.

Comment Dennis D. Freeman-2

*Response:* Please see Master Comment Response 1.

Comment Dennis D. Freeman-3

*Response:* The precise distribution of upland hunting activities following the implementation of the project cannot be determined. It is expected that some hunters will either use alternate local upland hunting opportunities or select another type of hunting opportunity (e.g., waterfowl hunting) that is also available locally. Some hunters are likely to travel further distances to enable them to hunt at private upland hunting clubs, in the region (e.g., Fairfield). A small fraction may choose to hunt at locations that are a considerable distance from the site; however, the percentage of hunters that would choose to do so cannot be determined. Please also see Master Comment Response 1.

Art French (written), September 21, 2009

Comment Art French-1

*Response:* Please see Master Comment Response 1.

Comment Art French-2

*Response:* Please see Master Comment Response 1.

Comment Art French-3

*Response:* Please see Master Comment Response 1.

Comment Art French-4

*Response:* Please see Master Comment Response 1.

Comment Art French-5

*Response:* Please see Master Comment Response 1.

William Gaffney (written), September 23, 2009

Comment William Gaffney-1

*Response:* Please see Master Comment Response 1.

William Gahan (verbal), September 22, 2009

Comment William Gahan-1

*Response:* Please see Master Comment Response 1.

Comment William Gahan-2

*Response:* Please see Master Comment Response 1.

Comment William Gahan-3

*Response:* Please see Master Comment Response 1.

Jeff M. Gerard (written), September 21, 2009

Comment Jeff M. Gerard-1

*Response:* Please see Master Comment Response 1.

Charlie Gibson (written), September 21, 2009

Comment Charlie Gibson-1

*Response:* Please see Master Comment Response 1.

Bob Gloeckner (written), September 25, 2009

Comment Bob Gloeckner-1

*Response:* Please see Master Comment Response 1.

Comment Bob Gloeckner-2

*Response:* Please see Master Comment Response 1.

Michael Golick (written (two emails)), September 22, 2009

Comment Michael Golick-1

*Response:* Please see Master Comment Response 1.

Comment Michael Golick-2

*Response:* Please see Master Comment Response 1.

Comment Michael Golick-3

*Response:* Please see Master Comment Response 1.

Comment Michael Golick-4

*Response:* Please see Master Comment Response 1.

Comment Michael Golick-5

*Response:* Please see Master Comment Response 1.

Comment Michael Golick-6

*Response:* Please see Master Comment Response 1. The funding received to restore this property specifically requires that it be restored to support the overall health of the Bay and threatened and endangered species.

Comment Michael Golick-7

*Response:* Please see Master Comment Response 1.

Johnny Good (written), September 22, 2009

Comment Johnny Good-1

*Response:* Comment acknowledged.

Tom Gross (written), September 19 and 20, 2009

Comment Tom Gross-1

*Response:* Please see Master Comment Response 1.

Sam Grow (written), September 21, 2009

Comment Sam Grow-1

*Response:* Please see Master Comment Response 1.

Duncan Hanley (written), September 21, 2009

Comment Duncan Hanley-1

*Response:* Please see Master Comment Response 1.

Rory Hanley (written), September 22, 2009

Comment Rory Hanley-1

*Response:* Please see Master Comment Response 1.

Comment Rory Hanley-2

*Response:* Please see Master Comment Response 1.

Comment Rory Hanley-3

*Response:* Please see Master Comment Response 1.

Thomas Harrington (written), October 8, 2009

Comment Thomas Harrington-1

*Response:* Please see Master Comment Response 1.

Comment Thomas Harrington-2

*Response:* Rather than being designed to benefit a small number of people, the Proposed Project will increase the number of people who could potentially use the site. Currently, there is only one type of recreational use available on the property – upland game bird hunting – and it is restricted to members of the BPSC and their guests. Following restoration, the site will have a much wider range of recreational uses, including hiking, biking, bird watching, fishing, and waterfowl hunting. Thus, while the number of future users of the property cannot be predicted, it will be accessible to a much larger group of people.

Thomas M. Harris (written), September 24, 2009

Comment Thomas M. Harris-1

*Response:* Please see Master Comment Response 1.

Elisa and Roger Hatin (written), October 4, 2009

Comment Elisa and Roger Hatin-1

*Response:* Please see Master Comment Response 1.

Comment Elisa and Roger Hatin-2

*Response:* Please see Master Comment Response 1.

Dean Heffelfinger (verbal), September 22, 2009

Comment Dean Heffelfinger-1

*Response:* Please see Master Comment Response 1.

Comment Dean Heffelfinger-2

*Response:* Please see Master Comment Response 1.

Hugh Helm (verbal), September 22, 2009

Comment Hugh Helm-1

*Response:* Comment acknowledged

Comment Hugh Helm-2

*Response:* Comment acknowledged.

Comment Hugh Helm-3

*Response:* Comment acknowledged.

Comment Hugh Helm-4

*Response:* Comment acknowledged.

Robert Helstrom (written), September 21, 2009

Comment Robert Helstrom-1

*Response:* Please see Master Comment Response 1.

Comment Robert Helstrom-2

*Response:* Please see Master Comment Response 1.

Comment Robert Helstrom-3

*Response:* Please see Master Comment Response 1.

Comment Robert Helstrom-4

*Response:* Please see Master Comment Response 1.

It is recognized that funding for management of CDFG-owned lands may be somewhat dependent on California's fiscal status and CDFG does not currently have adequate funding to provide the same level of amenities that the BPSC currently provides. However, other private hunting opportunities are available within a reasonable distance of BPSC.

Comment Robert Helstrom-5

*Response:* Please see Master Comment Response 1.

James Henderson (written), September 21, 2009

Comment James Henderson-1

*Response:* Please see Master Comment Response 1.

Comment James Henderson-21

*Response:* Please see Master Comment Response 1.

Comment James Henderson-3

*Response:* Please see Master Comment Response 1.

Kathy Herrero (written), September 28, 2009

Comment Kathy Herrero-1

*Response:* Please see Master Comment Response 1.

Comment Kathy Herrero-2

*Response:* Please see Master Comment Response 1.

Comment Kathy Herrero-3

*Response:* Please see Master Comment Response 1.

Comment Kathy Herrero-4

*Response:* The participation of both CDFG and Ducks Unlimited (DU) in this project is entirely consistent with both organizations' missions. CDFG is responsible for the management of natural resources, including wildlife habitat protection and restoration, enforcement, spill cleanup, commercial fishing and other activities related to wildlife management in addition to hunting and fishing.

DU considers this project to be consistent with its mission, which is to conserve, restore, and manage wetlands and associated habitats for North America's waterfowl. These habitats also benefit other wildlife and people. This project would restore habitat that would directly benefit waterfowl populations.

Comment Kathy Herrero-5



*Response:* The decision to restore a portion of the property to tidal marsh is driven by ecological and economic considerations; it is not an economic decision between two forms of hunting. Converting a portion of the property to tidal marsh will create a continuous natural habitat gradient from the open water of the Bay to uplands; this type of opportunity is extremely rare in the Bay Area. Restoring a portion of the property to tidal marsh also furthers the overall goals of restoring tidal marsh in the Bay, as described in the Habitat Goals Report (1999). Restoration also makes sense from a financial perspective, as described in Master Comment Response 1.

Comment Kathy Herrero-6

*Response:* Please see Master Comment Response 1.

Comment Kathy Herrero-7

*Response:* Please see Master Comment Response 1.

Bob Hughes (written), September 23, 2009

Comment Bob Hughes-1

*Response:* Please see Master Comment Response 1.

Comment Bob Hughes-2

*Response:* Please see Master Comment Response 1.

Beth Huning (verbal), September 22, 2009

Comment Beth Huning-1

*Response:* The proposed mitigation measures have been reevaluated and refined to allow construction activities to continue for longer periods, if feasible, while still avoiding significant impacts to biological resources. Changes have been made to relevant mitigation measures.

Comment Beth Huning-2

*Response:* The mitigation measures have been revised to ensure that they are feasible and to provide more flexibility during the construction process. Changes have been made to relevant mitigation measures.

Comment Beth Huning-3

*Response:* The Sonoma Land Trust has reevaluated the proposed monitoring effort initially proposed and has made the relevant changes to reflect current practices.

Comment Beth Huning-4

*Response:* Please see Master Comment Response 1.

John Iavarone (written), October 20, 2009

Comment John Iavarone-1

*Response:* Please see Master Comment Response 1.

Comment John Iavarone-2

*Response:* Please see Master Comment Response 1.

Comment John Iavarone-3

*Response:* Please see Master Comment Response 1.

Craig Jacobsen (verbal), September 22, 2009

Comment Craig Jacobsen-1

*Response:* The EIS/R addresses the loss of farmland in Section 3.7. The farmland at the site is leased and USFWS, the agency that will be taking ownership of the area containing the farmland, has agreed to honor the terms of the leases. USFWS would continue to lease a portion of the site while protecting habitat, particularly seasonal wetlands (3.5-32). In addition the project would protect the existing farmland and farming infrastructure by constructing a more reliable levee that would provide longer-term flood protection than the existing perimeter levee (3.2-13). USFWS would also require changes to farming methods and some grazing practices to allow farming and grazing to co-exist with wildlife uses (3.5-32).

Comment Craig Jacobsen-2

*Response:* The alternate location for reuse/disposal of the biosolid use was not addressed in the EIS/R because it is difficult to predict alternate potential uses and locations. Sonoma County has policies for use of locally-generated biosolids on agricultural lands within the county, and if demand exceeds the supply available within the county, from outside the county. Sonoma Land Trust ceased biosolid spreading on the property in 2010. Because biosolids are no longer used at this site, they would have to be disposed of at an alternate location, potentially creating a demand for additional landfill space and/or greenhouse gas emissions from increased hauling distances. However, the potential for reuse of biosolids within Sonoma County is extensive; taking the Dickson Ranch out of agricultural production would result in a total reduction of roughly 400 acres of farmed land in Sonoma County, or approximately 0.1 percent of all agricultural lands. Therefore, given the extensive other areas where biosolids could be used, the potential impact to public utilities and greenhouse gas emissions from a reduction in biosolids use at this property is considered less than significant.

Comment Craig Jacobsen-3

*Response:* The potential impact associated with trucking additional feed for cattle was not evaluated in the DEIS/R. An estimated 650 acres of land that is currently farmed to produce oat hay for feed would be converted to tidal marsh and other uses. This acreage would produce an estimated 1,625 tons of oat hay (the estimated average production rate for oat hay is 2.5 tons/acre [UC Davis 2005]) that would have to be obtained from other sources. This represents approximately 19% of the Sonoma oat hay crop in 2006 (date of the NOP) and 10% of the Sonoma oat hay crop in 2009, and would equate to approximately 109 truck trips. The additional source(s) of oat are not known; oat hay is produced in other portions of Sonoma County and the North Bay, and the Central and Imperial Valleys. Some increase in delivery distance may occur, but the extent of that increase (i.e., the GHG emissions associated with any increase in hauling distance) is speculative. The total number of truck trips is small and would not affect the local road system, and would not result in any exceedences of criteria pollutants or cause a cumulatively significant impact to greenhouse gas emissions, even if the oat hay were hauled from a more distant location within California.

Comment Craig Jacobsen-4

*Response:* The pumps and related drainage system will be sized to meet 100-year recurrence interval storm events, as required, which would protect adjacent properties and infrastructure. The Proposed Project will maintain or improve the level of protection of adjacent properties over current conditions.

Comment Craig Jacobson-5

*Response:* The loss of farmland was addressed in the Draft EIR. The discussion is presented in Section 3.7.

Eric L. Johnson (written (two identical emails)), September 20, 2009

Comment Eric L. Johnson-1

*Response:* Please see Master Comment Response 1.

Comment Eric L. Johnson-2

*Response:* Sonoma Land Trust shares the concern over proper remediation of the lead shot in the project area. SLT had the property sampled by Northgate Environmental Management, and high concentrations were found in the skeet range. A Corrective Action Plan (Northgate Environmental Management, 2006) characterizing soil contaminant levels and outlining appropriate remediation within the context of restoration was submitted to the San Francisco Bay RWQCB in December 2006 and approved in 2008. Levels of lead below regulatory thresholds throughout the rest of the project area are expected to be covered by sediments as they accrete throughout the area, further reducing potential risks to waterfowl. In addition, SLT required that the BPSC switch to steel shot when SLT acquired the land. The remediation was described in a corrective action plan approved by the SFRWQCB in 2008. (3.3-8, 3.3-25, 3.9-6)

Huey D. Johnson (written), October 9, 2009

Comment Huey D. Johnson-1

*Response:* Please see Master Comment Response 1.

Comment Huey D. Johnson-2

*Response:* Please see Master Comment Response 1.

Comment Huey D. Johnson-3

*Response:* Please see Master Comment Response 1.

David M. Jue (written), September 22, 2009

Comment David M. Jue-1

*Response:* Please see Master Comment Response 1.

Wes Keel (written (two identical emails)), September 21, 2009

Comment Wes Keel-1

*Response:* Please see Master Comment Response 1.

Comment Wes Keel-2

*Response:* Please see Master Comment Response 1.

Larry Kenney (written), September 21, 2009 [missing 2<sup>nd</sup> page of faxed letter]

Comment Larry Kenney-1

*Response:* Please see Master Comment Response 1.

Comment Larry Kenney-2

*Response:* Please see Master Comment Response 1.

Page 2 of 2 is missing from submittal.

David Kenyon (written), September 28, 2009

Comment David Kenyon-1

*Response:* Please see Master Comment Response 1.

Comment David Kenyon-2

*Response:* Please see Master Comment Response 1.

Comment David Kenyon-3  
*Response:* Please see Master Comment Response 1.

Comment David Kenyon-4  
*Response:* Please see Master Comment Response 1.

Bruce King (verbal and written), September 21, 2009

Comment Bruce King-1v  
*Response:* Please see Master Comment Response 1.

Comment Bruce King-2v  
*Response:* Please see Master Comment Response 1.

Comment Bruce King-3v  
*Response:* Please see Master Comment Response 1.

Comment Bruce King-1w  
*Response:* Please see Master Comment Response 1.

Robert Kinmont (written), September 21, 2009

Comment Robert Kinmont-1  
*Response:* Please see Master Comment Response 1.

Richard B. Krona (written (two emails)), September 20 and 21, 2009

Comment Richard Krona-1  
*Response:* Please see Master Comment Response 1.

Comment Richard Krona-2  
*Response:* Please see Master Comment Response 1.

Gil Kuhn (written), September 22, 2009

Comment Gil Kuhn-1  
*Response:* Please see Master Comment Response 1.

Comment Gil Kuhn-2  
*Response:* Please see Master Comment Response 1.

Comment Gil Kuhn-3  
*Response:* Please see Master Comment Response 1.

Comment Gil Kuhn-4  
*Response:* Please see Master Comment Response 1.

James LaMar (written), September 22, 2009

Comment James LaMar-1  
*Response:* Please see Master Comment Response 1.

Comment James LaMar-2  
*Response:* Please see Master Comment Response 1.

Comment James LaMar-3

*Response:* Please see Master Comment Response 1.

Kit Larsen (written), September 21, 2009

Comment Kit Larsen-1

*Response:* Please see Master Comment Response 1.

Dean Latter (written), September 30, 2009

Comment Dean Latter-1

*Response:* Please see Master Comment Response 1.

Comment Dean Latter-2

*Response:* Please see Master Comment Response 1.

Comment Dean Latter-3

*Response:* Please see Master Comment Response 1.

John Leipsic (written), September 21, 2009

Comment John Leipsic-1

*Response:* Please see Master Comment Response 1.

John Leone (written), September 21, 2009

Comment John Leone-1

*Response:* Please see Master Comment Response 1.

Comment John Leone-2

*Response:* Please see Master Comment Response 1.

John Likas (written), September 22, 2009

Comment John Likas-1

*Response:* Please see Master Comment Response 1.

Colin Lind (written), September 21, 2009

Comment Colin Lind-1

*Response:* Please see Master Comment Response 1.

Comment Colin Lind-2

*Response:* Please see Master Comment Response 1.

Comment Colin Lind-3

*Response:* Please see Master Comment Response 1.

Bob Low (written), September 18, 2009

Comment Bob Low-1

*Response:* Please see Master Comment Response 1.

Comment Bob Low-2

*Response:* Please see Master Comment Response 1.

Comment Bob Low-3

*Response:* Please see Master Comment Response 1.

Jim Lynch (written), September 22, 2009

Comment Jim Lynch-1

*Response:* Please see Master Comment Response 1.

Comment Jim Lynch-2

*Response:* Please see Master Comment Response 1.

Comment Jim Lynch-3

*Response:* Please see Master Comment Response 1.

Comment Jim Lynch-4

*Response:* Please see Master Comment Response 1.

Comment Jim Lynch-5

*Response:* Please see Master Comment Response 1.

Comment Jim Lynch-6

*Response:* Please see Master Comment Response 1.

Todd Magaline (written), September 23, 2009

Comment Todd Magaline-1

*Response:* Please see Master Comment Response 1.

James W.Mantegani (written), October 8, 2009

Comment James W.Mantegani-1

*Response:* Please see Master Comment Response 1.

Comment James W.Mantegani-2

*Response:* Please see Master Comment Response 1.

Comment James W.Mantegani-3

*Response:* Please see Master Comment Response 1.

Comment James W.Mantegani-4

*Response:* Please see Master Comment Response 1.

Comment James W.Mantegani-5

*Response:* Please see Master Comment Response 1.

Comment James W.Mantegani-6

*Response:* Please see Master Comment Response 1.

Comment James W.Mantegani-7

*Response:* Please see Master Comment Response 1.

Gaston Marcillac (written), September 22, 2009

Comment Gaston Marcillac-1

*Response:* Please see Master Comment Response 1.

Comment Gaston Marcillac-2

*Response:* Please see Master Comment Response 1.

Frances A. Moreda (written), October 12, 2009

Comment Frances A. Moreda-1

*Response:* Please see Master Comment Response 1.

Comment Frances A. Moreda-2

*Response:* Please see Master Comment Response 1.

Comment Frances A. Moreda-3

*Response:* The EIS/R addresses the loss of farmland in Section 3.7. The farmland at the site is leased and USFWS has agreed to honor the terms of the leases until expiration. USFWS may continue to lease a portion of the site while protecting habitat, particularly seasonal wetlands (3.5-32). In addition the project would protect the remaining farmland and farming infrastructure by reinforcing the levees to prevent flooding (3.2-13), resulting in a higher level of protection of the remaining farmland. The project would also require changes to tilling methods and some grazing practices to allow farming and grazing to co-exist with wildlife uses (3.5-32). Oat hay farming is expected to continue on the area that is still farmed.

Comment Frances A. Moreda-4

*Response:* The flooding of the site is not expected to create a new significant source of GHG (3.11-27). Existing land use practices would continue with minimal modification on the property north of the rail line. South of the rail line, tidal marsh would be restored. Tidal marshes are carbon sinks; in fact, tidal marshes are considered to be among the most effective means of sequestering carbon. Methane is among the most powerful greenhouse gases, and is commonly associated with freshwater wetlands, but not tidal marshes. Over time the project would likely result in net annual savings in GHG (4-14).

Comment Frances A. Moreda-5

*Response:* Please see Master Comment Response 1.

Comment Frances A. Moreda-6

*Response:* Comment acknowledged.

Tom Mattusch (written), September 22, 2009

Comment Tom Mattusch-1

*Response:* Please see Master Comment Response 1.

John Mayfield (written), September 22, 2009

Comment John Mayfield-1

*Response:* Please see Master Comment Response 1.

Michael McDaniel (written), September 23, 2009

Comment Michael McDaniel-1

*Response:* Please see Master Comment Response 1.

Marilyn Mertens (verbal), September 22, 2009

Comment Marilyn Mertens-1

*Response:* Comment acknowledged.

Comment Marilyn Mertens-2

*Response:* Please see Master Comment Response 1.

Brant Miller (written), September 23, 2009

Comment Brant Miller-1

*Response:* Sonoma Land Trust is a local, non-governmental, non-profit organization funded largely by membership contributions; it represents the interests of its members. Sonoma Land Trust conserves scenic, natural, agricultural and open land for the future of Sonoma County by:

- Developing long term-land protection strategies,
- Promoting private and public funding for land conservation,
- Acquiring land and conservation easements,
- Stewardship including the restoration of conservation properties, and
- Promoting a sense of place and a land ethic through activities, education and outreach.

Sonoma Land Trust does not have anti-gun or anti-shooting agenda; in fact, waterfowl hunting will be available on the property after restoration. SLT conserves land to promote and preserve its biological values and scenic beauty, not to fulfill political objectives.

Bradly K. Miner (written), September 22, 2009

Comment Bradly K. Miner-1

*Response:* Please see Master Comment Response 1.

Peter Molligan (written), October 11, 2009

Comment Peter Molligan-1

*Response:* Please see Master Comment Response 1.

Tom Monroe (written), September 28, 2009

Comment Tom Monroe-1

*Response:* Please see Master Comment Response 1.

Pat Montague (written (email and fax)), both September 22, 2009

Comment Pat Montague-1

*Response:* Please see Master Comment Response 1.

Comment Pat Montague-2

*Response:* Please see Master Comment Response 1. Also, please see the Project Description; the project as proposed provides extensive environmental benefits.

Comment Pat Montague-3

*Response:* Please see Master Comment Response 1.

Ray Moore (written), September 26, 2009

Comment Ray Moore-1

*Response:* Comment acknowledged.

John F. Munson (written), September 25, 2009

Comment John F. Munson-1



*Response:* Please see Master Comment Response 1.

Comment John F. Munson-2

*Response:* Please see Master Comment Response 1.

Comment John F. Munson-3

*Response:* Please see Master Comment Response 1.

Mark Murray (written (email and letter)), both September 22, 2009

Comment Mark Murray-1

*Response:* Please see Master Comment Response 1.

Comment Mark Murray-2

*Response:* Please see Master Comment Response 1.

Comment Mark Murray-3

*Response:* Please see Master Comment Response 1.

Mike Nichols (written), September 22, 2009

Comment Mike Nichols-1

*Response:* Please see Master Comment Response 1.

Ken Niles (written), September 23, 2009

Comment Ken Niles-1

*Response:* Please see Master Comment Response 1.

Lee Novich (verbal), September 22, 2009

Comment Lee Novich-1

*Response:* Please see Master Comment Response 1.

Comment Lee Novich-2

*Response:* Please see Master Comment Response 1.

Comment Lee Novich-3

*Response:* Please see Master Comment Response 1.

Comment Lee Novich-4

*Response:* Please see Master Comment Response 1.

Comment Lee Novich-5

*Response:* Please see Master Comment Response 1.

Tom Orgain (written), September 22, 2009

Comment Tom Orgain-1

*Response:* Please see Master Comment Response 1.

Comment Tom Orgain-2

*Response:* Please see Master Comment Response 1.

Comment Tom Orgain-3

*Response:* Please see Master Comment Response 1.

Ian O'Rourke (verbal and written (email and letter)), September 22, 2009 and October 2, 2009 (both written communications)

Comment Ian O'Rourke-1v

*Response:* Please see Master Comment Response 1.

Comment Ian O'Rourke-2v

*Response:* Please see Master Comment Response 1.

Comment Ian O'Rourke-1w

*Response:* Please see Master Comment Response 1.

Comment Ian O'Rourke-1w

*Duplicate of email*

Robert D. Owen (written), September 22, 2009

Comment Robert D. Owen\_-1

*Response:* Please see Master Comment Response 1.

Comment Robert D. Owen -2

*Response:* Please see Master Comment Response 1.

Rich Papapietro (written), September 23, 2009

Comment Rich Papapietro-1

*Response:* Please see Master Comment Response 1.

Charles Peri (written), September 22, 2009

Comment Charles Peri-1

*Response:* Please see Master Comment Response 1.

Daniel Perrin (written), October 13, 2009

Comment Daniel Perrin-1

*Response:* Please see Master Comment Response 1.

Comment Daniel Perrin-2

*Response:* Please see Master Comment Response 1.

Comment Daniel Perrin-3

*Response:* Please see Master Comment Response 1.

Comment Daniel Perrin-4

*Response:* Many potential land use alternatives were evaluated as part of the development of the Restoration Plan for the project, including the alternatives described in Chapter 2 of the EIS/R. To achieve the goals of the project, the status quo cannot be maintained. The alternatives described in Chapter 2 were the most physically and economically feasible hybrid alternatives; however, as discussed in Chapter 2 those designs have limitations and in some cases do not meet the goals of the restoration. Please also see Master Comment Response 1.

Alan R. Perry (written), September 23, 2009

Comment Alan R. Perry-1

*Response:* Please see Master Comment Response 1.

Bob Pester (written), September 21, 2009 (same thing twice)

Comment Bob Pester-1

*Response:* Please see Master Comment Response 1.

Comment Bob Pester-2

*Response:* Please see Master Comment Response 1.

Comment Bob Pester-3

*Response:* Please see Master Comment Response 1.

Allen M. Phipps (written), September 22, 2009

Comment Allen M. Phipps-1

*Response:* Please see Master Comment Response 1.

Fermin Piol (written), September 24, 2009

Comment Fermin Piol-1

*Response:* Please see Master Comment Response 1.

Daniel F. Piombo (written), September 21, 2009

Comment Daniel F. Piombo-1

*Response:* Please see Master Comment Response 1.

Comment Daniel F. Piombo-2

*Response:* Please see Master Comment Response 1.

Comment Daniel F. Piombo-3

*Response:* Please see Master Comment Response 1.

Comment Daniel F. Piombo-4

*Response:* Please see Master Comment Response 1.

Comment Daniel F. Piombo-5

*Response:* Please see Master Comment Response 1.

Dwight Plunkett (written), September 21, 2009

Comment Dwight Plunkett-1

*Response:* Please see Master Comment Response 1.

Comment Dwight Plunkett-2

*Response:* Please see Master Comment Response 1.

Don Priest (written (letter and email), both September 22, 2009)

Comment Don Priest-1

*Response:* Please see Master Comment Response 1.

Comment Don Priest-2

*Response:* Please see Master Comment Response 1.

Comment Don Priest-3

*Response:* Please see Master Comment Response 1.

Comment Don Priest-4

*Response:* Please see Master Comment Response 1.

Jim Prigmore (written), September 24, 2009

Comment Jim Prigmore-1

*Response:* Please see Master Comment Response 1.

Comment Jim Prigmore-2

*Response:* See Master Comment Response 1.

John Quigley (written), September 23, 2009

Comment John Quigley-1

*Response:* Please see Master Comment Response 1.

Bob Rentsch (written), September 23, 2009

Comment Bob Rentsch-1

*Response:* Comment acknowledged.

Kimberly Rolla (written), September 21, 2009

Comment Kimberly Rolla-1

*Response:* Please see Master Comment Response 1.

Erin Scull (verbal), September 22, 2009

Comment Erin Scull-1

*Response:* Please see Master Comment Response 1.

Comment Erin Scull-2

*Response:* Comment acknowledged.

Comment Erin Scull-3

*Response:* The restored site would be designed to increase multi-use public access by *adding* over 1,000 acres to publicly available land. The project would provide a link in the Bay Trail and would allow a variety of uses including waterfowl hunting, fishing, bird watching, hiking, cycling, and environmental education.

Jeff Scull (written), September 21, 2009

Comment Jeff Scull-1

*Response:* Sonoma Land Trust is a local, non-governmental, non-profit organization funded largely by membership contributions; it represents the interests of its members. Sonoma Land Trust conserves scenic, natural, agricultural and open land for the future of Sonoma County by:

- Developing long-term land protection strategies,
- Promoting private and public funding for land conservation,
- Acquiring land and conservation easements,
- Stewardship including the restoration of conservation properties, and
- Promoting a sense of place and a land ethic through activities, education and outreach.

The Land Trust works closely with private landowners, the Sonoma County Agricultural Preservation and Open Space District and other public agencies at all levels of government, non-profit partners, and foundations. The acquisition and proposed restoration of the project site is in complete alignment with SLT's mission and goals.

This project would allow waterfowl hunting on the property transferred to CDFG in accordance with standard CDFG regulations and restore habitat that would directly benefit waterfowl populations. There would be a net increase in the amount of area that would be available for hunting, although the primary type of hunting would shift from upland game species to waterfowl.

Please also see Master Comment Response 1.

#### Comment Jeff Scull-2

*Response:* The closure of the BPSC would impact hunting for members of the BPSC; however, closure of the BPSC is not the same as closing state parks, because the project would increase the recreational opportunities available at the site, providing a greater diversity of opportunities to the general public. One of the goals of the project is to increase the opportunities for public access at this site. The restored site would be designed to provide a link in the Bay Trail and allow a variety of uses including waterfowl hunting, fishing, bird watching, hiking, cycling, and environmental education.

#### Comment Jeff Scull-3

*Response:* Please see Master Comment Response 1. The Land Trust, CDFG, and USFWS invite all who feel strongly connected to the Sears Point property to join them in continuing to be good stewards of the land.

#### Comment Jeff Scull-4

*Response:* Please see Master Comment Response 1.

#### Comment Jeff Scull-5

*Response:* Please see Master Comment Response 1.

#### Michael Sewell (written), September 20, 2009

##### Comment Michael Sewell-1

*Response:* Please see Master Comment Response 1.

##### Comment Michael Sewell-2

*Response:* Comment acknowledged. We respect the need for people to understand where their food comes from. Hunting would be allowed on the property south of the rail line in accordance with CDFG regulations. There would be a net increase in the amount of area that would be available for hunting, although the primary type of hunting would shift from upland game species to waterfowl. This project would potentially create more opportunities for a wider group of people to have access to the area. The Sonoma Land Trust, CDFG, and USFWS invite all who feel strongly connected to the Sears Point property to join them in continuing to be good stewards of the land.

##### Comment Michael Sewell-3

*Response:* As noted in the comment, there is currently little viable habitat for tidal-marsh dependent species within the project area. This project is designed to increase the viable habitat for salt marsh harvest mouse and California clapper rail as well as several other endangered species as the

restored site evolves. One of the goals of the project is to contribute to the recovery of numerous species protected under the federal Endangered Species Act and the California Endangered Species Act (p. 1-7).

Comment Michael Sewell-4

*Response:* Please see Master Comment Response 1.

Comment Michael Sewell-5

*Response:* Comment acknowledged.

Nubar Shahbazian (written), September 28, 2009

Comment Nubar Shahbazian-1

*Response:* Please see Master Comment Response 1.

Comment Nubar Shahbazian-2

*Response:* Please see Master Comment Response 1.

Comment Nubar Shahbazian-3

*Response:* Many potential land use alternatives were evaluated as part of the development of the Restoration Plan for the project, including the alternatives described in Chapter 2 of the EIS/R. To achieve the goals of the project, the status quo cannot be maintained. The alternatives described in Chapter 2 were the most physically and economically feasible hybrid alternatives; however, as discussed in Chapter 2 those designs have limitations and in some cases do not meet the goals of the restoration.

Comment Nubar Shahbazian-4

*Response:* The proposed restoration of tidal marsh habitat would improve habitat conditions for federally listed endangered species, and is consistent with regional goals to increase tidal marsh around the Bay.

Comment Nubar Shahbazian-5

*Response:* Please see Master Comment Response 1.

Berry Sheppard (written), September 22, 2009

Comment Berry Sheppard-1

*Response:* Please see Master Comment Response 1.

Comment Berry Sheppard-2

*Response:* Please see Master Comment Response 1.

Marjorie Sikes (written), September 20, 2009

Comment Marjorie Sikes-1

*Response:* Please see Master Comment Response 1.

Jim Smith (verbal), September 22, 2009

Comment Jim Smith-1

*Response:* Please see Master Comment Response 1.

Comment Jim Smith-2

*Response:* The DEIR/S addresses the mosquito abatement in Section 3.4 under Public Safety issues because mosquito can carry diseases. The project has been designed to minimize mosquito breeding areas; tidal habitat that receives adequate flushing is not considered a significant source of mosquitoes. Because there will be fewer agricultural ditches on the property, there will be some

reduction in mosquito breeding habitat as a result of the project. The Marin-Sonoma Mosquito and Vector Control District (MSMVCD) has been consulted in the design to ensure the potential mosquito production from the property is minimized. MSMVCD would determine if abatement is necessary after the site is restored. The cost of abatement, if needed, is unknown at this time.

Mick Smith (written), September 21, 2009

Comment Mick Smith-1

*Response:* SLT has committed to restoring approximately 970 acres of tidal wetland. Funds were provided toward this project in good faith that the restoration would be carried out as planned. A conservation easement over 648 acres of the property, including the site of the Black Point Hunt Club, stipulates that the land be managed and restored to promote the Conservation Values as described in Master Comment Response 1.

Comment Mick Smith-2

*Response:* The railroad right of way is owned by the North Coast Railway and leased by SMART. Moving the rail line is not part of this project and would far exceed the budget for this project. There may also be engineering limitation (e.g., the allowable curvature in the tracks) that would restrict relocation of the tracks from their current location to the south side of Highway 37.

Comment Mick Smith-3

*Response:* Comment acknowledged.

Comment Mick Smith-4

*Response:* Please see Master Comment Response 1.

Also, the SMART rail line would not have to be moved. It would be protected by the new, shorter levee. The potential impact to groundwater quality impact was addressed in the DEIR/S on page 3.3-17 and 3.3-25. The project is unlikely to affect the quality of the water in the wells that will remain following restoration.

Comment Mick Smith-5

*Response:* Please see Master Comment Response 1.

Comment Mick Smith-6

*Response:* After the site is restored the land ownership would be transferred to the CDFG. CDFG hunting regulations would apply. Sonoma Land Trust would not be involved in granting access for hunting.

Comment Mick Smith-7

*Response:* Please see Master Comment Response 1.

Comment Mick Smith-8

*Response:* Please see Master Comment Response 1.

Comment Mick Smith-9

*Response:* Comment acknowledged. Waterfowl hunting would be allowed on the property south of the rail line in accordance with CDFG regulations. This project would create more opportunities for recreation for a wider group of people, but it is recognized that there may be a negative effect on the private upland hunting at the BPSC.

Virgil Smith (written), October 2, 2009

Comment Virgil Smith-1

*Response:* Please see Master Comment Response 1.

Comment Virgil Smith-2

*Response:* Please see Master Comment Response 1.

Mick Stangrover (written), September 23, 2009

Comment Mick Stangrover-1

*Response:* Comment acknowledged.

V.T. Storer (written (2 emails)), both September 20, 2009

Comment V.T. Storer-1

*Response:* Please see Master Comment Response 1.

Comment V.T. Storer-2

*Response:* Please see Master Comment Response 1.

Comment V.T. Storer-3

*Response:* Please see Master Comment Response 1.

Comment V.T. Storer-4

*Response:* Please see Master Comment Response 1.

Dimitra Sutsos (verbal), September 22, 2009

Comment Dimitra Sutsos-1

*Response:* Please see Master Comment Response 1.

Comment Dimitra Sutsos-2

*Response:* SLT has extended the lease of the BPSC for more than 6 years. The addition of new recreational opportunities may also provide new business opportunities in the region and would also support local businesses.

Comment Dimitra Sutsos-3

*Response:* Please see Master Comment Response 1.

Mike Sutsos (written), October 12, 2009

Comment Mike Sutsos-1

*Response:* Please see Master Comment Response 1.

Comment Mike Sutsos-2

*Response:* Please see Master Comment Response 1.

Comment Mike Sutsos-3

*Response:* Please see Master Comment Response 1.

Comment Mike Sutsos-4

*Response:* Comment acknowledged.

Comment Mike Sutsos-5



*Response:* The property was on the market for over one year before SLT purchased it. There were many opportunities to purchase the property in that period. The option to buy at this point is not feasible because public money was used in the acquisition of the land.

Sonoma Land Trust has worked with BPSC, Mike Sutsos, and the membership of the hunt club to assist the lessee in finding a compromise while still pursuing the goals of the restoration project. SLT has extended the lease of the club for more than 6 years following acquisition of the property and worked in good faith to brainstorm ideas for alternate locations, but the lessee bears the responsibility to conduct, and potentially relocate, the business. Please also see Master Comment Response 1.

Jim Swanson (written), October 12, 2009

Comment Jim Swanson-1

*Response:* Please see Master Comment Response 1.

Scott Swasey (written), September 22, 2009

Comment Scott Swasey-1

*Response:* Please see Master Comment Response 1.

Comment Scott Swasey-2

*Response:* Please see Master Comment Response 1.

Jim Tank (written), September 22, 2009

Comment Jim Tank-1

*Response:* Please see Master Comment Response 1.

Comment Jim Tank-2

*Response:* Please see Master Comment Response 1.

Comment Jim Tank-3

*Response:* Please see Master Comment Response 1.

Comment Jim Tank-4

*Response:* Please see Master Comment Response 1.

Richard T. Tarrant (written), October 7, 2009

Comment Richard T. Tarrant-1

*Response:* Please see Master Comment Response 1.

Comment Richard T. Tarrant-2

*Response:* Please see Master Comment Response 1.

Comment Richard T. Tarrant-3

*Response:* SLT recognizes the value of land preservation and continues to maintain this as a high organizational priority. Acquisition and restoration are both essential components of preserving lands. Conservation efforts in the San Francisco Bay Area are guided by the Bayland Ecosystem Habitat Goals Report (1999). The report was developed by a collaboration of the U.S. Environmental Protection Agency and the San Francisco Bay Regional Water Quality Control Board, with input from several scientific experts. The report sets goals for acquisition and restoration of bayland habitats. Relative to the goals, far greater progress has been made towards acquisition than restoration of baylands habitats.

Restoration of the Sears Point project area would substantially advance progress towards meeting restoration acreage targets in the North Bay.

thompsonld@aol.com (written), September 22, 2009

Comment thompsonld@aol.com-1

*Response:* Please see Master Comment Response 1.

twins350@aol.com [Dannie] (written), September 23, 2009

Comment twins350@aol.com [Dannie]-1

*Response:* Please see Master Comment Response 1.

Comment twins350@aol.com [Dannie]-2

*Response:* Please see Master Comment Response 1.

Comment twins350@aol.com [Dannie]-3

*Response:* Comment acknowledged.

Comment twins350@aol.com [Dannie]-4

*Response:* Please see Master Comment Response 1.

Brian Tyler (written), September 22, 2009

Comment Brian Tyler-1

*Response:* Please see Master Comment Response 1.

Ken Van Gorder (written), September 21, 2009

Comment Ken Van Gorder-1

*Response:* Please see Master Comment Response 1.

Henrik von der Lippe (written), September 21, 2009

Comment Henrik von der Lippe-1

*Response:* Please see Master Comment Response 1.

Douglas J. Waite (written (email and letter), September 22, 2009 and October 2, 2009

Comment Douglas Waite-1

*Response:* Please see Master Comment Response 1.

Comment Douglas Waite-2

*Response:* Please see Master Comment Response 1.

Jeannie Wallen (written), September 24, 2009

Comment Jeannie Wallen-1

*Response:* Please see Master Comment Response 1.

Comment Jeannie Wallen-2

*Response:* The acquisition of the site and its restoration would protect the land in perpetuity. Restoration of tidal marsh habitat and seasonal wetlands is expected to improve habitat conditions of federally and state listed endangered species, and extensive upland habitat will remain as part of the project north of the railroad tracks and north of Highway 37. Wildlife would benefit from the Proposed Project.

Comment Jeannie Wallen-3

*Response:* Please see Master Comment Response 1.

Comment Jeannie Wallen-4

*Response:* Please see Master Comment Response 1.

James P. Waltz (written), September 23, 2009

Comment James Waltz-1

*Response:* Comment acknowledged.

Comment James Waltz-2

*Response:* Comment acknowledged.

Comment James Waltz-3

*Response:* Please see Master Comment Response 1.

Don Watson (written), September 23, 2009

Comment Don Watson-1

*Response:* Please see Master Comment Response 1.

Jeffrey J. Wayne (written), September 23, 2009

Comment Jeffrey Wayne-1

*Response:* Please see Master Comment Response 1.

Edwin S. Weber (written), October 14, 2009

Comment Edwin Weber-1

*Response:* Please see Master Comment Response 1.

Comment Edwin Weber-2

*Response:* Please see Master Comment Response 1.

Comment Edwin Weber-3

*Response:* Please see Master Comment Response 1.

Jack Weir (written (2 identical emails)), September 20 and September 21, 2009

Comment Jack Weir-1

*Response:* Please see Master Comment Response 1.

Comment Jack Weir-2

*Response:* Please see Master Comment Response 1.

Comment Jack Weir-3

*Response:* The BPSC is currently a private club, open to members and their guests only. Following the land transfers to CDFG and USFWS, all of the land south of Hwy 37 would be open for public access. The Sonoma Land Trust is facilitating increased public access to this site as part of the restoration. The Proposed Project is designed to increase multi-use public access by providing a link in the Bay Trail and allowing a variety of uses including waterfowl hunting, birdwatching, hiking, cycling, and environmental education. There would be a net increase in the amount of area that would be available for hunting, although the primary type of hunting would shift from upland game species to waterfowl. Thus, the proposed project is entirely consistent with increasing public access to the property.

Comment Jack Weir-4

*Response:* Please see Master Comment Response 1.

Joe White (written), September 23, 2009

Comment Joe White-1

*Response:* Please see Master Comment Response 1.

Christel Wiegandt (written), September 28, 2009

Comment Christel Wiegandt-1

*Response:* Please see Master Comment Response 1.

Comment Christel Wiegandt-2

*Response:* Please see Master Comment Response 1.

Comment Christel Wiegandt-3

*Response:* Please see Master Comment Response 1.

Comment Christel Wiegandt-4

*Response:* Please see Master Comment Response 1.

Comment Christel Wiegandt-5.

*Response:* Comment acknowledged.

Greg Wilkins (written), September 21, 2009

Comment Greg Wilkins-1

*Response:* Please see Master Comment Response 1.

Herb Williams (verbal), September 22, 2009

Comment Herb Williams-1

*Response:* Please see Master Comment Response 1.

Comment Herb Williams-2

*Response:* Please see Master Comment Response 1.

R.W. Williams, III (written), September 22, 2009

Comment R.W. Williams, III-1

*Response:* Please see Master Comment Response 1.

Comment R.W. Williams, III-2

*Response:* Please see Master Comment Response 1.

Bob Wilson (written), September 21, 2009

Comment Bob Wilson-1

*Response:* Please see Master Comment Response 1.

Comment Bob Wilson-2

*Response:* Please see Master Comment Response 1.

Doug Wynn (verbal), September 22, 2009

Comment Doug Wynn-1

*Response:* Please see Master Comment Response 1.

Comment Doug Wynn-2

*Response:* The Sonoma Land Trust pays property taxes at this site. After the site is transferred to the USFWS, it would not be taxed.

Comment Doug Wynn-3

*Response:* The draft EIS/R was available prior to the meeting and was the document under review.

Comment Doug Wynn-4

*Response:* The project would restore salt marsh harvest mouse habitat.

Comment Doug Wynn-5

*Response:* Please Master Comment Response 1.

Comment Doug Wynn-6

*Response:* Please Master Comment Response 1.

Ray Yung and Family (written), September 22, 2009 – 2 copies of the same letter

Comment Ray Yung-1

*Response:* Please see Master Comment Response 1.

Comment Ray Yung-2

*Response:* Please see Master Comment Response 1.

Comment Ray Yung-3

*Response:* Please see Master Comment Response 1.

Comment Ray Yung-4

*Response:* Please see Master Comment Response 1.

## **References**

Best, Ely and Team. 2010. Hamilton Wetland Methylmercury Studies and lessons learned. January 28. PowerPoint accessed 6/28/10.

Brostoff, William. 2007. U.S. Army Corps of Engineers: Study on Methylmercury at Hamilton Wetland Restoration Project. February 22. Accessed PowerPoint 6/28/10)