

Marin Audubon Society

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SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

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June 18, 20

Zachary Wasserman, Chairman
Bay Conservation and Development Commission
50 California Street, 26th Floor
San Francisco, CA 94111

COPY

RE: CENTRAL MARIN FERRY CONNECTION PATH

ATT: Michelle Levinson

Dear Chairman Wasserman and Commissioners:

Marin Audubon Society appreciates the opportunity to comment on the Central Marin Ferry Connection Path project on BCDC's agenda Thursday June 20. Marin Audubon has participated in public meetings over a period of years and commented on the EIR for this project. We are concerned about short-and long-term impacts of this project as described below.

The project should be considered in the light of the cumulative impacts from significant historic loss of tidal marsh, which once extended to the base of the hills along Corte Madera Creek, and the ongoing impacts to remnant marshes. Corte Madera Creek is known habitat for the endangered California Clapper Rail. Breeding populations exist at the nearby Corte Madera Ecological Reserve and the remnant marshes at Piper Park in Larkspur and Creekside Park in unincorporated Marin County. Ongoing impacts will occur from Larkspur bridge expansion projects, from erosion of the Ferry Terminal marsh and sedimentation of tidal sloughs (on which clapper rails depend) in the Corte Madera Ecological Reserve (See PWA monitoring Report) resulting from barriers placed in the bay. Clapper Rails use the fringe marshes and the overhang vegetation they provide as cover as they move along the banks of the Creek. This project would permanently fill tidal marsh and cause temporary fill which would interrupt this movement corridor for 1.5 years. We have the following specific comments:

1. **The Fill is Not the Minimum Necessary.** There are other less environmentally damaging alternatives for the path. It could be routed to the existing paved path along Sir Francisco Drake Boulevard before it even gets to the marsh which would avoid impacts to the marsh. Also, there are many locations where the creek and its marshes can be viewed without further filling of tidal marsh. According to the staff report, the overlook would be 1,100 square-feet in size. Even if extending the path over the marsh is deemed to be necessary, any additional fill for an overlook is not. To reduce tidal marsh impacts, the 1,100 section of overlook should be eliminated.

2. The Mitigation Project is Poorly Defined and Appears to be Inadequate.

Although the proposed mitigation would likely benefit the clapper rail population, it appears to actually be enhancement of an existing degraded marsh. As such fill placed by the project will result in a net loss of tidal marsh. While this may be acceptable to the USFWS, it is contrary to the State of California's No Net Wetland Loss Policy. Even if the amount of fill is relatively small in size and marginal habitat, it is still tidal marsh that is endangered species habitat.

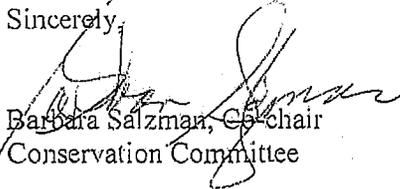
Certain aspects of the mitigation area are a concern in terms of potential success of the mitigation project. In its discussion of the offsite mitigation site, the staff report (#2, page 6) raises issues that cast doubt on the potential for success: that a section of the mitigation area does not now support wetland vegetation, possibly due to non-hydric soils and compaction. Even with planned removal of these soils, there is risk native wetland plants may not restore. To better ensure the success of the mitigation, assuming that this design continues to be pursued, we recommend that a condition be added requiring further mitigation, either to repair this failed mitigation until it succeeds or to mitigate in another location until wetlands are successfully restored. We also recommend that a currently non-wetland site be restored to ensure that there is no net loss of tidal marsh.

3. Cumulative Impacts. We also are concerned that this project not set the stage for even more adverse impacts to the Clapper Rail and Ecological Reserve tidal marsh if/when the path is continued on the south side of Corte Madera Creek. Although it may be argued, as TAM has, that the project has independent utility, the north-south path from San Rafael to Corte Madera would be a continuation of the current project path and should be planned as a unit. Instead the various segments are being planned and considered on a piecemeal basis.

Any path located on the former Railroad right-of-way adjacent to the Ecological Reserve would most certainly result in long term adverse impacts to the Reserve marsh and Clapper Rails that depend on it. Caution should be exercised to ensure that planning for a path continuing south of the Creek is located away from away from the sensitive marsh and Clapper Rail habitat.

Thank you for considering our comments. We are sorry but we will be unable to have a representative at the meeting on Thursday.

Sincerely,


Barbara Salzman, Co-chair
Conservation Committee


Phil Peterson, Co-chair
Conservation Committee

Cc: USFWS
RWQCB
TAM