

September 22, 2011

ESA

Attn: Darcy Rosenblatt or Erin Higbee-Kollu
550 Kearny Street, Suite 900
San Francisco, CA 94131



via email drosenblatt@esassoc.com

Re: Public Scoping for America's Cup 34 Environmental Assessment

Dear Ms. Rosenblatt,

Marin Conservation League has monitored projects that may have impacts on Marin County for 77 years. We recently commented on the adequacy of the DEIR for the America's Cup 34 (AC34) in addressing issues of potential impact on Marin. Because lands and facilities that may be affected by the activities associated with AC34 lie within the boundaries of the Golden Gate National Recreation Area and will involve regulatory actions by both the U.S. Coast Guard (USCG) and U.S. Army Corps of Engineers (USACE), an Environmental Assessment is being prepared pursuant to NEPA. MCL appreciates the opportunity to contribute comments on the scope of the EA as it pertains to those activities that may affect Marin, including the Headlands, Angel Island and near-shore waters of the Bay.

Purpose, Need and Objectives

The Statements of Purpose and Need provided in the web description of the NEPA process generally capture the important points that also serve to frame the alternatives. MCL wishes to emphasize that the AC34 activities' "intensive or exclusive use of land, water, and air space under federal jurisdiction" has the potential to compromise "resources, values and uses of the park and the marine and maritime environment" that are held in trust for future generations. Our recommendation, therefore, is to re-order the Statement of Purpose, giving the protection of these resources *first priority* as follows:

"Establish regulations and conditions under which AC34 can be authorized, conducted and concluded so as to protect resources, values and uses of the park and the marine and maritime environment as well as ensure a safe, secure and enjoyable experience during AC34."

MCL agrees with the Statement of Need. . . that the federal government must be fully engaged in planning for the events – i.e., "engage in transparent, integrated, and informed decision-making. . ." with the AC34 Event Authority and the City of San Francisco, Project Sponsors.

With respect to the Objectives of the EA, MCL recognizes that the AC34 events offer a unique

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opportunity to “showcase” to thousands of visitors and residents alike the outstanding assets of GGNRA. Over two summers, the Park is going to be, if not the center of attention, at least the prime area for viewing the AC34 events. This is a chance to feature the National Park Service (NPS) as a great public benefit. At the same time, the potential for damage to rare and sensitive resources from large crowds of spectators is significant! All four of the involved federal entities (including the Presidio Trust) agree that a primary objective is to avoid, minimize, or mitigate impact to the environment . . . Once again, we urge the NPS to give highest priority to protecting the resources and values that it holds in trust for future generations. Safety is also a major concern, as reflected in NPS and USCG objectives.

Alternatives

In the absence of specific alternatives offered by the project sponsor, the NEPA team proposes several “themes” by which to outline broad alternatives – geography, management zones, duration and timing of events, and intensity of events (and spectators) – and/or to utilize these approaches as mitigation measures to lessen impacts. These “themes” appear to capture most of the variables that could cause or reduce the impacts of race events and support activities. MCL is particularly interested in how alternative strategies can be used to avoid impacts on near-shore marine life and onshore plant communities and wildlife on the Headlands on both sides of the Bridge’s northern abutment, as well as in and around Ft. Baker. We anticipate the majority of spectators on the Marin side to gather in these areas. Angel Island will also attract spectators (State Parks Marin District is making independent plans to accommodate crowds; MCL recommends that the NEPA team coordinate with State Parks in this effort, again with the objective of protecting natural and cultural resources that must endure long after the AC34 events conclude).

For the Marin Headlands, “management zoning” could be a useful tool as a mitigation measure, if not a major alternative, to discourage public viewing in sensitive areas and to guide spectators to less impactful areas, as suggested in the NEPA web discussion of alternatives. We share the concern that having seasonal races two years in a row during the summers of 2012 and 2013 has the potential to permanently disturb wildlife as well as plant communities that might sustain damage in 2012 and recover, only to be disturbed a second time during the Main Event in 2013. Certainly one alternative should analyze the possibility of confining race events to one year. Closely related to managing spectator areas through zoning, is the alternative to reduce the intensity of on-land viewers by limiting the capacity of viewing areas (or reducing the number of events). This would require monitoring and therefore is a less desirable approach than simply zoning areas for access or exclusion.

The approach used by the City/County of San Francisco in the EIR should also be considered: i.e., package all mitigation measures that are deemed feasible and useful to create a “mitigated alternative” version of the Proposed Action that would allow the agencies to approve actions under their jurisdiction. This would be a practical means to achieve consistency with the EIR’s “Mitigated Alternative”.

Impact Topics/Issues

Water Quality

The potential impact of large numbers of boats from other parts of the world importing undesirable organisms in the Bay is significant. The EA should discuss what current laws and regulations cover ballast water, and whether the agencies responsible for enforcing them have the personnel capacity to inspect and enforce laws and regulations for the anticipated number of boats.

The EA should also discuss where pump out stations will be located, how many will be available, and their ease of access for visiting boats. The regulations and instructions for use should be readily available in a variety of languages.

Biological Resources

The Headlands hosts a variety of wildlife and protected plants on land. Richardson Bay, which we anticipate will be used heavily by visiting boats, is habitat for shallow tidal grass beds. Although these habitat areas will be identified in the literature for visiting boats, enforcement will be critical to keep anchors and anchor chains from ripping out swaths of the eel grass. Who will monitor where boats are allowed to moor?

Harbor seals and harbor porpoises are common occupants of the Bay, and, as such, are somewhat accustomed to maneuvering around commercial and recreational water craft. The EA should discuss the fact that the AC34 race boats are much faster than the usual weekend racing sailboat. How will the race management keep these mammals, which are not always evident on the surface, from collision with the high speed AC34 boats?

AC43 NEPA web site suggests management zoning as one approach to restricting access to areas of special sensitivity – e.g., habitats of rare or endangered species on the Marin Headlands. Fencing may work some of the time, but on important race days enforcement will be needed. Who will have this responsibility? The race organizers? Or the GGNRA Park staff?

Transportation and Circulation

It can be readily inferred that the transportation services for spectators to and from Marin County will exceed the capacity of existing service providers during race events. What supplemental services and routes will be provided, by whom, and with what source of funds? Will Golden Gate Bridge, Highway, and Transportation District (GGBHTD) or the event sponsors cover these added costs of operations?

The Golden Gate Bridge would be a premium viewing location to watch the races, requiring special regulation and enforcement during race days. The overlook at the north end of the bridge could be a nightmare unless there is strict enforcement of a pre-calculated capacity of vehicles and pedestrians.

Conzelman Road and other roads on the Marin Headlands could also have a capacity challenge. Monitoring and diversion of excess traffic should be enforced on important race days. What contingency plans will be imposed if crowds exceed the safe capacity?

“Sustainability”

Sustainability is listed as a topic for the EA. Because this term has taken on so many meanings in different contexts, MCL requests that the EA identify the specific components of “Sustainability.” We assume these will include at a minimum: energy use and conservation, solid waste management and recycling, water conservation, local food preference for concessions, minimization of carbon footprint (specify how this will be done), and education of race organizers, participants, and spectators on the basics of “sustainability” as defined here. We urge the federal agencies involved in preparation of the EA to promote behaviors that will conserve resources in all respects.

We appreciate the opportunity to comment on the scope of the America’s Cup 34 Environmental Assessment.

Sincerely,

A handwritten signature in blue ink that reads "Susan Stompe". The signature is written in a cursive, flowing style.

Susan Stompe
President