CENTER *for* BIOLOGICAL DIVERSITY

August 1, 2012

San Rafael City Council
1400 Fifth Avenue
P.O. Box 151560
San Rafael, CA 94915-1560

Reject San Rafael Airport Recreational Facility EIR

The Center for Biological Diversity urges the San Rafael City Council to not certify the final Environmental Impact Report for the proposed San Rafael Airport Recreational Facility and reject the project as proposed as well as the attempted rezoning of the property. There are significant concerns abut the inadequacy of the EIR and the failure to fully address impacts to endangered species resulting from the project. Legal approval would require revisions to the project to avoid impacts to endangered species; we strongly suggest that an alternative location without habitat for sensitive wildlife species be found for the proposed sports facility.

There are other, more suitable locations for a sports complex; there are very few remaining places that endangered California clapper rails still call home. The proposed project would require a significant change in land use, with attendant noise, nighttime lighting and disturbance impacts on endangered species that are not adequately mitigated in the proposed project. The environmental review for the project was severely flawed and does not meet the standards of the California Environmental Quality Act.

The proposed facility and its uses will have potentially significant impacts on several wildlife species protected under the federal Endangered Species Act (California clapper rail, salt marsh harvest mouse and Central Coast steelhead trout) and a bird species fully protected under the California Endangered Species Act, the black rail.

We have reviewed the final EIR prepared by the San Rafael Planning Department as well as comments and concerns from local conservation groups. The EIR does not comply with the California Environmental Quality Act, since it does not adequately describe the project or evaluate all uses that would be permitted, fails to adequately analyze and mitigate the project's significant environmental impacts, and does not adequately discuss alternatives to the proposed project.

The proposed project would have unacceptable and unmitigated impacts on an important breeding population of the critically imperiled California clapper rail. Surveys in 2008 identified only 543 clapper rails in the entire San Francisco Bay Area. The U.S. Fish and Wildlife Service initial recovery plan for the California clapper rail (U.S. Fish and Wildlife Service 1984) and the recent draft updated recovery plan (U.S. Fish and Wildlife Service 2010) identify the clapper rail breeding population in Gallinas Creek as one of the most important in the North Bay.

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Despite the fact that the project includes an 85,700 square foot indoor sports building, two outdoor astroturf soccer fields, a 300-space asphalt parking lot, night-time lighting and activity, and all the attendant human use and impacts, the EIR erroneously concludes that the project will not have a significant impact on clapper rails.

The EIR takes the unsupported position that since a biological consultant (Monk and Associates) did not find clapper rails immediately along the shoreline of the project site there will not be direct, significant impacts to clapper rails. The Planning Department has been made aware of additional surveys done by clapper rail experts with Point Reyes Bird Observatory and Avocet Research, which documented numerous clapper rails along the closest shoreline to the project site, as well as throughout the middle, south and upper reaches of Gallinas Creek (2009 PRBO report to the U.S. Fish and Wildlife Service). Additionally, Monk and Associates, PRBO and Avocet Research all documented numerous clapper rail occurrences along the north fork of Gallinas Creek within 200 feet of the footprint of the project, well within range for direct and indirect impacts on clapper rails from construction and use noise, lighting and human activity associated with uses of the proposed project.

The EIR also incorrectly assumes that clapper rails in the vicinity of the project site have somehow adapted to the presence of humans and human activities, implying that construction disturbance, human presence, noise, lighting, and human-adapted predators resulting from the project will not result in significant impacts on nearby clapper rails. The U.S. Fish and Wildlife Service's expert opinion is that California clapper rails are sensitive to human disturbance, particularly during breeding season. Excessive human disturbance and noise during rail breeding season can disrupt breeding and even lead to nest abandonment or reproductive failure. The clapper rail recovery plan concludes that although the complete effects of human disturbance on rails are unknown, they are potentially significant. The EIR does not adequately address the likelihood of this level of impacts from additive night lighting, noise, and creation of conditions favorable for human-adapted predators, with resulting potentially significant threats to the species. The project would likely increase predation on rails by attracting non-native predators such as Norway rats and feral cats and by inflating populations of human-adapted native predators such as ravens and raccoons. Man-made structures and human activity can increase predation on clapper rails by providing areas for nesting and roosting of avian predators and attracting rodents due to human litter.

Human activity and disturbance in rail habitat post-project will most certainly be considerably greater than current conditions. Clapper rail habitat in Gallinas Creek is currently separated from most urban activities by the airport runway safety zones, which keep human disturbance in the marshes to a minimum. The exception is the pedestrian and on-leash dog-walking trail along the north bank of the creek bordering McInnis Park, which is minimally used, primarily during daylight hours. Existing human disturbance and noise occurs mostly on the south side of North Fork Gallinas Creek. The proposed project would bring considerably more human activity and noise to the opposite bank of the creek, where human presence near the creek is currently infrequent, there are no lights,

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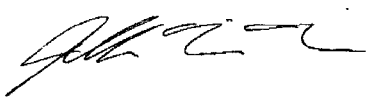
motion and noise are infrequent, mowing is seasonal, traffic is limited to airport users and nighttime activity is essentially nonexistent. The proposed seasonal restrictions on construction and buffer zones specified as mitigation measures do not eliminate or significantly reduce all potential impacts on clapper rails.

Please do not certify the final Environmental Impact Report for the proposed San Rafael Airport Recreational Facility. We encourage San Rafael to work with all stakeholders to find a more suitable location for the proposed sports facility.

Sincerely,



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Center for Biological Diversity

The Center for Biological Diversity is a non-profit organization that works to protect endangered species and wild places through science, policy, education, citizen activism, and environmental law. The Center has an ongoing interest in protecting clapper rails and other endangered wildlife in the San Francisco Bay Area.

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