

February 7, 2011

Ernest Klock, Principal Civil Engineer  
Marin County Dept. of Public Works  
3501 Civic Center Drive, Rm. 404  
San Rafael, CA 94903



Re: Sir Francis Drake Boulevard (SFDB) Rehabilitation Project Final Environmental Impact Report

Dear Mr. Klock:

Marin Conservation League has reviewed the subject FEIR and wishes to comment on its adequacy for certification. In general, the FEIR provides sufficient information to enable the County to make an informed decision in selecting the least environmentally damaging alternative ("Environmentally Superior Alternative") and rejecting Option A.

The added information in the FEIR Master Responses adequately covers construction related impacts and offers more information on post-construction impacts and mitigations. The latter analysis was one of the deficiencies in the DEIR. Our three lingering concerns are 1) that mitigation measures be feasible and sufficient to ensure that pollutants will not reach Lagunitas Creek throughout the roadway's 30-year design life; 2) that monitoring of all mitigation measures be carried out objectively and, where warranted, for the long term; and 3) that the loss of mature redwood trees under Option A cannot be mitigated to levels of insignificance.

1. Maintaining the long-term health of the Lagunitas Creek habitat is of paramount importance. The DEIR devoted most of its analysis to construction-related impacts but also admitted that "in the absence of a proper long-term maintenance program . . . the proposed project could cause a significant adverse impact to salmonids in Lagunitas Creek due to a gradual decline in runoff water quality under post project conditions." The FEIR Master Responses #9 and #11 claim that, with implementation of mitigation measure HYD-1b, the project would likely improve runoff water quality compared to the existing conditions. HYD-1b lists design features intended to address water quality and habitat concerns in Lagunitas Creek: lay a permeable friction course, use permeable asphalt for pull-out areas, install vegetated buffer strips and vegetated swales/sand filters. The FEIR gives the impression that the bioswales will be adequate to prevent ponding on the roadway. Equally important is their purpose in ensuring that no sediment or toxic runoff from the roadway enters the creek. It may be necessary, as noted in the added mitigation measure HYD-1 b(5), to provide subsurface storage ("sumps"?) to control discharge of increased runoff volume and thereby prevent pollutants from direct discharge to the Creek. Mitigation measure BIO-5b responds to the need for post-construction, long-term inspection and maintenance of roadside bioswales in accordance with a long-term SWMP to be prepared. We wish to echo the concern of the San Francisco Region RWQCB (Comment A-31) that the bioswales, to function properly, must act as unclogged, porous sand filters. These conditions could be compromised by frequent sloughing of unstable slopes. To keep bioswales performing properly will require an extra measure of maintenance that should be reflected in the SWMP.

An additional point: Gravel transport is mentioned as only a secondary consideration in the design

PHONE: 415.485.6257  
FAX: 415.485.6259

EMAIL: [mcl@marinconservationleague.org](mailto:mcl@marinconservationleague.org)  
URL: [www.marinconservationleague.org](http://www.marinconservationleague.org)

ADDRESS: 1623-A Fifth Avenue  
San Rafael, CA 94901



of the culverts for this project. In the case of the Cross Marin Trail rehabilitation along Lagunitas Creeek, gravel transport is a key design element, in order to help restore the gravel beds of the creek during major storm events. Should this not also be an objective in the design of culverts and their outfalls for this project?

2. With the exception of a professional archaeologist and consulting botanist for a few selected mitigation measures, the Mitigation Reporting and Monitoring Program is wholly reliant on the Marin County Department of Public Works for implementation. The DPW is also the “applicant/sponsor” of the project. Despite best intentions and qualified staff, this dual role sets up inherent conflicts of interest in the execution of the project to meet construction timelines and to complete the project within budget. Proper mitigation monitoring should involve some independent entity or contractor whose responsibility is to ensure that the project meets its quality control standards, i.e., completes all the mitigations to the highest environmental standards. For example, while RWQCB and MCSTOPP are cited as entities that must pass on the mitigation plans and mitigation implementation, they do not appear to be involved in monitoring the results of the work. In our opinion, the organization of this project should include an objective third party to oversee the effective conduct of the MMRP.

3. We continue to question the necessity of removing eight sizeable redwoods (nine trees in all) under Option A and the facile dismissal of significant impact of their removal by means of off-site compensatory mitigation. The proposed approach, while a worthy enhancement of riparian habitat with its own benefits, does not replace the stature, maturity, or habitat value of the trees removed. Avoidance, where it is feasible as in this case, is always the preferred form of mitigation. Since wetland impacts are scattered in the project area, we support the proposed compensatory mitigation approach in that instance.

Thank you for this opportunity to comment.

A handwritten signature in cursive script, appearing to read "Nona Dennis".

Nona Dennis, President