



# Citizens for East Shore Parks

PO Box 6087

Albany, CA 94706

[www.eastshorepark.org](http://www.eastshorepark.org)

[eastshorepark@hotmail.com](mailto:eastshorepark@hotmail.com)

Phone: (510) 461-4665 Fax: (510) 526-3672

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440 Civic Center Plaza  
Richmond, CA 94804

Bill Lindsay  
City Manager  
Lina Velasco  
City of Richmond Planning Division  
450 Civic Center Plaza  
P.O. Box 4046  
Richmond, CA 94804

Email: [bill\\_lindsay@ci.richmond.ca.us](mailto:bill_lindsay@ci.richmond.ca.us) and [lina\\_velasco@ci.richmond.ca.us](mailto:lina_velasco@ci.richmond.ca.us)  
Fax: (510) 620-6858 and (510) 620-6542

Via Email, Fax And First Class Mail

Re: Point Molate D. E. I. R. for the Point Molate Development Proposal

Dear Mayor McLaughlin , Members of the City Council, Mr. Lindsay and Ms Velasco:

We are submitting these comments on the Draft Environmental Impact Statement/ Environmental Impact Report for the Point Molate Mixed-Use Tribal Destination Resort and Casino ("Pt. Molate EIS/EIR" or "EIR") on behalf Citizens for East Shore Parks ("CESP") and on behalf of SPRAWLDEF (Sustainability, Parks, Recycling and Wildlife Legal Defense Fund).

As you know, CESP has followed the proposed development at the Point Molate site and has concerns about the impacts of the proposed development on the site, the shoreline and the surrounding region. Due to those concerns CESP has twice filed suit against the developer and the City of Richmond over the need to meet the requirements of the California Environmental Quality Act.

In the course of those lawsuits CESP has met with the project proponents in the context of court mandated settlement discussions. Out of those meetings came in-depth discussions about the environmental impacts that the proposed development would have and the concerns of CESP and others about these impacts.

It should be noted that as the conversations between CESP and the project proponents progressed, the project proponents were active participants in considering the impacts,

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were open to CESP suggestions, and in some instances had themselves formulated plans to eliminate or mitigate impacts.

Because of the scope of the project and the number of issues raised due to the site (former military installation with significant clean up), the developers and CESP were not able to conclude agreement on the multiple issues prior to the deadline for close of comments on the Draft Environmental Impact Report (DEIR).

This in part due to the extensive amount of mitigations that have been discussed between CESP and project proponents. Project proponents have been willing to consider mitigations over and far above those directly related to the project itself. To some extent the DEIR addresses the impacts and suggests mitigations and to some extent the DEIR does not.

The comments that are submitted reflect the concerns of CESP and these have been raised directly between CESP and the project proponents. The comments below also cover potential mitigations to address impacts of the areas we will be looking at in connection with the request for certification of the EIR.

We offer these comments on behalf of CESP in and on behalf of SPRAWLDEF in a constructive spirit. Thank you for your time and consideration.

Sincerely,

Robert C. Cheasty  
President

See attachment A

# Attachment A

## Comparison of Environmental Consequences

Table 2-8 of the Draft EIR bears review. The table states that the Total Parkland Alternative will have noise impacts similar to the proposed action, greater hazardous materials impacts than the proposed action and similar aesthetic impacts. We do not understand the basis for those conclusions.

### Project Description

The Project Description assumes that a ferry will run directly to the Project site and that there will be bicycle and pedestrian access to the Project. The basis for these assumptions should be explained.

### Reasonable Range of Alternatives

Alternatives E and F, Total Parkland and No Action, are almost identical. The only difference between the two appears to be that the Total Parkland alternative proposes completion of the Bay Trail and opens the area as “park space” while the No Action alternative does not build the Bay Trail. It appears that the Total Parkland Alternative does not call for hazardous wastes reclamation and clean-up. The basis for this assumption should be explained.

### Geology and Soils

The EIR should address any studies that indicate a potentially high risk of liquefaction in the Point Molate area. The EIR relies on two studies: (1) a liquefaction hazard map developed by the Association of Bay Area Governments which identifies Point Molate as having a low risk of liquefaction, even though the surrounding areas (such as the City of Richmond) have a moderate to high risk; and (2) a 2006 site-specific geotechnical report which mapped the project site as being within Zone III (meaning the risk of liquefaction is low or even absent). However, in 2002 the Navy EIS/EIR for the Disposal and Reuse of the Point Molate Naval Fuel Depot determined that the shoreline areas were susceptible to both liquefaction and lateral spreading. The EIR should address the latter study.

The EIR should provide a full discussion of impacts to vegetation from construction activity, erosion, and/or soil compaction as well as anticipated re-vegetation efforts to offset these impacts or limit erosion.

### Hydrology and Water Quality

The EIR’s significance criteria for water quality should include the impact of pollution on existing surface and groundwater quality.

The Storm Water Pollution Prevention Plan (SWPPP) and Erosion and Sediment Control Plan for this Project should if possible be completed prior to project approval rather than “prior to any ground disturbance.”

The EIR should include a discussion of potable water availability and how it will be ensured for the Project.

Mitigation measures should be developed to offset the Project’s impacts to water quality including

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limitations on pesticide and fertilizer use and maintenance of storm water treatment facilities to ensure proper function.

### Air Quality

The Baseline section of the EIR should discuss the existing conditions on the specific Project site. Currently there are few pollutants or greenhouse gases emitted at the site. The EIR uses federal/state/regional air quality plans as a baseline instead of actually measuring the baseline conditions at the site. The EIR should also provide information on existing air quality in adjacent areas of Richmond.

The EIR should include significance thresholds for climate change, and quantify to the extent possible the reductions in greenhouse gas emissions that can be achieved through adoption of mitigation measures such as LEED certification for buildings; restrictions on vehicular parking and related measures to encourage use of public transit by patrons and employees; accommodations for electric vehicles; on-site renewable energy sources such as solar panels; retrofitting municipal water and wastewater systems with energy efficient motors, pumps and other equipment; and recovering wastewater treatment methane for energy production.

The EIR should explain the basis, in modeling studies or actual data, for its assumption that the Project would result in fewer long-distance trips because people would not have to travel as far to reach a casino. The EIR should consider whether the Project will induce more people to go to a casino than would be the case if this Project were not built. The EIR should also take into account the trip generating impacts of employees and vendors traveling to the casino. The EIR should also attempt to quantify the trips by people flying or driving to the Project's proposed conference center.

### Biological Resources

The EIR should discuss impacts to wildlife habitat in as specific terms as possible, including acreage of particular habitats effected by specific impacts such as the spread of invasive species, erosion, soil compaction, noise, decrease in water quality, potential of human harassment and feeding of animals; impacts from pesticides/herbicides (i.e., used for landscaping, etc.) on species; impacts from chemical cleaners or other chemicals used for casino operation; impacts from pollution/climate change on species; increased risk of fire; impacts regarding vegetation loss/re-vegetation; impacts on non-avian animals within the Project area; impacts caused by the ferry and other water activities on eelgrass; and impacts to migratory birds caused by the proposed glass canopy.

The EIR should explain where habitat loss will be replaced in accordance with the proposed 2:1 ratio on the site and how valuable the created habitat will be, particularly wetland mitigation. A monitoring plan that includes all necessary details regarding location and size of proposed wetlands on the property should be provided.

A Vegetation Management Plan should be provided in the EIR.

The EIR should explain the basis for its statement that light pollution impacts on migratory birds will be reduced to less than significant via mitigation. Mitigation measures provide that street-lights will be directed toward the ground and certain types of lights will not be used (such as advertising lighting). However, these commendable features may not mitigate all types of lighting that may attract birds (road lighting, lights from cars, lights from retail stores, and glare from the proposed glass canopy).

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### Transportation Mitigation Measures/Impacts

The EIR should explain more fully the basis for its assessment of the Project's impacts on Interstate-80, Sir Francis Drake Boulevard, Richmond Parkway, and San Pablo Avenue, and address the Project's impacts on Highway 101. The EIR should address trips generated by use of the Project's conference center, hotel, restaurants and retail shops as well as its casino facilities.

The EIR should provide more complete information about the proposed ferry service and construction of the ferry terminal.

The EIR should also provide a fuller discussion of existing and proposed pedestrian and bicycle access to the Project, including connection of the proposed Bay Trail on-site with the existing Bay Trail off-site.

The EIR should provide a more detailed discussion of the Project's transportation mitigation measures including greater utilization of public transit including the Richmond BART Station, AC Transit facilities, and shuttle buses collecting patrons and employees from off-site parking lots.

### Hazards and Hazardous Materials

The EIR should provide maps indicating the location of the Recommended Environmental Conditions (RECs) with an overlay of the Proposed Project and each alternative. Providing such maps would assist the public in understanding where each hazardous area is located relative to the proposed construction and areas of public use.

### Aesthetics

The EIR should assess the Project's consistency with the Open Space Conservation Element of Richmond's General Plan including its Policy OSC-Q, which is to "preserve natural open space areas for visual open space, nature study, community shaping, conservation of natural resources, and conservation of native plant and animal communities."

The EIR should explain the basis for its significance thresholds regarding aesthetics, in terms of the goals and policies of the Richmond General Plan that apply to the Project site.

The EIR's discussion of aesthetic impacts should consider potential visual impacts on users of the Bay Trail, the shoreline, and the open space reserves along the ridge.

The EIR should also address the potential impacts of light and glare from the proposed glass canopy as well as the Project's night light impacts on the East Brother Light Station, a National and California Historic Landmark.

### Indirect/Growth Inducing Impacts

The EIR should discuss any potential contribution to climate change from the Project's growth inducing impacts, and fully assess mitigation measures that are available to reduce those impacts to the extent feasible.

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## Cumulative Impacts

The EIR should analyze the impacts of the Project and project alternatives in combination with foreseeable future projects in the area, such as the proposed Sugar Bowl Casino off Richmond Parkway 6 miles from the Project.

The EIR should provide an actual cumulative impacts analysis for air quality that addresses other specific and foreseeable air emissions in the area together with those of the Project.

The EIR should address the potential affects to, and from, sea level rise in conjunction with the Project.

The EIR should explain the basis for its conclusion that cumulative impacts to habitats such as fragmentation from new development, loss of open space, edge effects, and disruption of wildlife corridors will not have significant impacts on wildlife.

The EIR should address the cumulative effects on noise of the Project's additional traffic together with other expected traffic increases.