



PETALUMA WETLANDS ALLIANCE

(A COMMITTEE OF MADRONE AUDUBON)
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1 February 2008

TO: Permit and Resource Dept
County of Sonoma

SUBJECT: Response to Dutra Corp. draft EIR

PETALUMA PUBLIC WETLANDS SITE STATEMENT

The potential new Dutra Corp. asphalt manufacturing site is on the west side of the Petaluma River directly across the river from the northwest portion of Shollenberger Park. To the north of Shollenberger Park is Alman Marsh, and to the south is the Ellis Creek Water Recycling Facility & Wildlife Sanctuary which will open to the public in early 2009. In total, these three properties comprise over 500 acres of public wetlands. The Petaluma Wetlands Alliance (PWA) is the nonprofit organization which supports these wetlands with education in, and stewardship of all 500+ acres. We provided nearly 1000 schoolchildren with interpretive services last year, in addition to interpreting the wetlands for hundreds of adults. We have grown from two to thirty-five docents in five years. Our program is rapidly growing, and we expect to double our docent staff over the next two years and add many new programs. PWA is also developing plans for an interpretive center at the Ellis Creek site. All of this growth will make our public wetlands the primer wetlands educational site in the bay area, servicing thousands of children and adults every year. In addition, after Ellis Creek opens, Petaluma will become a true "birding hotspot" in California. Our tourism from birders and nature lovers is expected to grow to 10,000 – 20,000 people per year, not to mention our local citizens who frequent the site on a regular basis. These public wetlands will soon become the outdoor education and the tourism focal points in the Petaluma area.

These public wetlands are immediately **down-wind and down stream** from the new Dutra asphalt plant site. PWA, which has several hundred supporters plus the community at large, is extremely concerned about possible negative effects from the asphalt plant which might occur to the habitats, wildlife, safety, and sensual experiences of visitors to our wetlands. The growth in use of our wetlands is a matter of economics, educational program success, community pride, and community "quality of life issues". It is extremely important to us that the Dutra project has the minimum of negative impacts on our wetlands. There is no doubt that Dutra's plant will become even more of a "talking point" on our wetlands tours, for better or worse, depending on the final

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reactions of the County and Dutra to this DEIR and community suggestions. Failure to make this plant as invisible to our senses as is technically possible is not an acceptable option at this site. (cont'd)

SUMMARY COMMENTS OF DEIR REVIEW

1. We feel that the plant should be built according to Alternate "C" guidelines, while incorporating all of the mitigation steps of the full project which are still applicable to the reduced plan. This would reduce many of the negative impacts from the plant, including night use, noise, and potential disturbance to nesting birds in the site and along the river. Other issues like hazardous waste, hydrology issues, and traffic would also be reduced. Alternate C would allow Dutra to meet its objectives of asphalt manufacture while using the river for delivery of gravel, which PWA supports since the commercial tonnage figures from their river use are important to Petaluma in obtaining Federal funding for dredging the river. We also realize the need for asphalt products in the community to support our roads.

2. We feel that Dutra should abandon the concept of using 20,000 gallons of river water each day for dust reduction due to the destruction it would potentially cause to thousands of fish and millions of invertebrates living in the river. Such pumping would alter the entire ecosystem of that section of the river and considerably reduce the food availability in our tidal wetlands, creeks, and some unknown portion of the river itself. There are other issues of hydrology and habitat damage related to this river pumping scheme (DEIR Section V, pp. C23, C24, C31). A better solution might be to get recycled water from Petaluma's recycling facility. Petaluma has been giving away recycled water for years and preservation of the biological quality of our river and wetlands would justify continuing to do so. In addition, if highly-pathogenic bird flu virus does come to the area, and it could (with little warning), spraying river water would probably be lethal to many people in the community as well as to Dutra employees.

3a. PWA feels that there should be a real commitment from Dutra to eliminate, or control, invasive weeds on their site to include Yellow Star Thistle, Purple Star Thistle, Italian Thistle, Bristly Ox-tongue, French Broom, Giant Reed, Poison Hemlock, and Perennial Pepperweed. A new invasive species called Stinkwort has also appeared in the area and needs pulling because it is extremely invasive. Stinkwort comes up in June, is sticky, smells like camphor, and is easy to pull out of the ground. All of these species are being vigorously fought in Shollenberger and replaced by native species. Since all of these species produce seed that can be blown several hundred feet, or be transported downstream on the river, we don't want new seed appearing in our wetlands from the Dutra site. Removing the Pepperweed (*Lepidium latifolium*) is particularly important to maintain the desirable biodiversity in the Dutra restored wetlands. Every effort should also be made to preserve the native plants already existing on the property.

3b. We urge Dutra to cooperate with The Spartina Project which is trying to remove the invasive species of Spartina (Cordgrass) which was introduced to the upper Petaluma River about two years ago, probably carried by dredge boats coming from the south bay. Possible issues are access to monitor and/or spray. The invasive Spartina alterniflora and its hybrids (with the native Spartina foliosa) were discovered last year along the river at Shollenberger, along the Dutra property, and several other spots. The Spartina Project has hired experts to eradicate these species from our river.

since they tend to destroy western wetlands by dramatic changes in hydrology which could render the river nonnavigable in the future. B1-5 (cont'd)

4. We feel that the gravel conveyor belt near the rookery should also be covered on the east side as well as the west side so as not to frighten birds flying toward the colony from Shollenberger, where they frequently feed. B1-6

5. We encourage up-front planting of the trees that could become an eventual alternate rookery, but we do not support the idea of erecting the temporary pole-nesting site unless the present rookery is completely abandoned. B1-7

6. Noise levels from the project are significant. A good portion of the noise will come from the recycling section of the plant which is one reason for our favoring Alternate C which will reduce daytime noise levels and entirely eliminate noise at night. Noise issues are of particular interest in regard to the egret rookery on site, the deep-water seasonal pond at Shollenberger which is prime nesting habitat for many nesting species (it is located at noise-measuring site R6 and can extend down to R7 after wet winters), and the general disturbance to wildlife in other habitats along the river. There would also be a significant irritation level among park users from all the noise while on the west side of the park. The relief of all noise at night under Alt-C is a tremendous asset for our wildlife. B1-8

In addition to the planned mitigation sound barriers, we suggest consideration of constructing sound walls between noisy areas of the project and the river to further reduce sound headed toward the public wetlands. Such a wall should be given an earth-tone color in manufacturing, and landscaped on the river-side with native shrubs and trees to further reduce its visibility. Since the DEIR states that multiple rows of housing act as sound filters for rows further from the noise, the same benefit should be gained with other multiple sound filters.

7. Section 5F of the DEIR is totally inadequate when discussing hazards and hazardous materials. Most of this section is a litany of government rules about hazardous material regulations. There is a discussion of possible contaminants to the soil fill on the site which contains materials (including cobalt) from previous activities including gravel wash sedimentations from Dutra's former operation on the hill. The important ongoing issue to the community will be the volatile chemicals used in making asphalt, which is glossed over in the DEIR. There is a mention of asphaltic oil and liquid asphalt, neither of which is defined, but are probably composed of smelly, flammable, toxic, petroleum byproducts. Anyone who has ever walked pass an asphalt re-roofing job understands this issue. If this petroleum byproduct assumption is correct, we need to know what exactly these chemicals are, how much will be present at any given time, what is the vapor pressures and flash points of these chemicals – in other words how unstable are these chemicals. This relates to how much of these chemicals might escape in a leak, or spill before said accident is controlled. Would these chemicals vaporize and be carried by the wind into Petaluma's public wetlands? Would they catch fire and generate more toxic materials to move downwind into Shollenberger? Would they run into the Petaluma River and cause a major toxic accident to wildlife and habitats? In the DEIR there is mention of alarms at the site but how much material could get loose, for how long, before the problem is controlled? If there is any conceivable possibility that any of these hazardous materials, in any form, could cross the river to Shollenberger Park this becomes a **significant risk** to the public. Remember that while Shollenberger is not a school, we now have a thousand school children per year walking around Shollenberger as part of their biology education, and this number is likely to double or triple in a few years. I propose that if any conceivable risk level exists on the B1-9

east side of the river an alarm system should also be installed at multiple sites around Shollenberger to alert the public to evacuate. Such a system might also be needed in the adjoining business park which includes the Kaiser Medical Center. Off-site alarms could be solar powered and activated by digital, wireless signals. We have seen enough news stories about the accidents from the east bay petro-chemical industry to know the issues. Lastly, what is being designed to prevent or contain liquid toxic spills into the river?

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8. We like the fact that wetlands will be restored and created on about one third of the property, and that Dutra appears to have an environmental concern for the habitats and wildlife issues of their project. We fully expect the County and other government agencies to maintain an active monitoring program on the site for at least 5-10 years to assure that the mitigation issues are met and don't fall through the cracks in the hustle and bustle of making asphalt and profits.

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9. We encourage a second look at the hydrology issues of the site in light of global warming. A report on this concept has just been issued by Science Magazine and is attached.

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10. If there is any doubt on the part of the DEIR reviewing committee about the quality, state-of-the-art design, or thoroughness of the offered processes or mitigation procedures to be used in this project we suggest that a value-engineering review be done to assure the highest quality of end product to insure the absolute minimum negative impact on Petaluma's public wetlands.

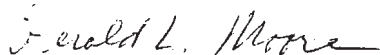
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CLOSING COMMENT OF PWA

PWA is an environmental organization that focuses on wetlands education and stewardship, with less energy spent on advocacy and politics. We like the models of the Nature Conservancy and Environmental Defense who have shown, as Environmental Defense now states, "the approach of lets sue the bastards" is a lot less effective than the approach of "lets sit down together and find common solutions that benefit everyone". With that in mind PWA encourages a partnership with Dutra and ourselves to enhance the quality of our river/wetlands ecosystems while also meeting our other primary goals for being there.

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However, there are serious safety issues as well as aesthetic, environmental, and financial issues with potential negative impacts to our community-at-large in regard to our large and growing wetlands educational program and the potential economic opportunities related to our growth in wetlands ecotourism business that will impact large segments of our community. Some of these issues may have to be reconciled by stakeholders other than PWA.



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