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Regarding EIR for Baylands Development Plan

By Jim McKissock

To Whom it may concern:

This plan is merely an attempt to maximize the property owners right to build out the property to the greatest extent possible, in violation of environmental standards, using misrepresentations of the condition and value of the natural resources of a large portion of the old Southern Pacific rail yard. The southern portion, south of the round house of the old Southern Pacific rail yard was abandoned by SP prior to my employment with them in 1969. The area had subsided due to the weight of loaded rail cars over the years and the rails were under water often from Dec. to May, the railroad could not switch cars on submerged rails. I heard this area referred to as the lake or duck or frog pond. Both large numbers of migrating ducks and other birds and frogs used the flooded area during winter and spring even when the northern part, the higher part of the property north of Geneva, was still being used for a repair yard by S.P.

After SP went out of business and the rail yard was sold and passed through several owners, the rails had been removed and native plants made their appearance over the fifty plus years of abandonment . The southern portion of the rail yard south of the old round house has become the largest remaining freshwater seasonal wetland on the S.F Peninsula. This area is still an important stopover for migrating ducks and numerous other birds throughout the winter (migratory bird laws have been completely ignored). It is the largest breeding area in the Bay Area for Pacific Chorus frogs. The area is one of the very few locations in the Bay Area where Killdeer can successfully nest and produce young. The area is the last refuge of the once numerous jackrabbits and other small mammals that feed successfully nesting hawks.

I first visited the area with Dana Dillworth in the spring of 07, prior to the completion of the construction of the plastic lined ditches. I was interested in the breeding areas of the Pacific Chorus frogs which I had known about for many years, but not actually seen. What I heard from Dana was how toxic the area was. I found the vast majority of the area to be quite to the contrary due to the rich invertebrate life in the ponds, the huge number of tadpoles and even a rare population of stickleback fish, numerous water beetles and no mosquitos. I hadn't seen such rich pools since the 1950s and one doesn't find life this rich in seriously contaminated pools.

There is also an old ditch that was the diverted Guadalupe Creek which runs along the western edge of the rail yard and also contains relic populations of the once numerous wetland plants of the area. This area is also worthy of protection. The entire area drains out to the bay through this ditch.

There were two partially constructed ditches, one running north and south, the north just south of the roadhouse and running due south for hundreds of yards until it emptied into the old west ditch. The other bisecting the wetlands east to west and emptying into the north south ditch at about the midway point. A liner was seen floating in the channel and numerous stickle backs, coming out of the old ditch to breed in the pools only to be stranded and die with their young.

I was told that the purpose of the ditch was to mitigate the toxins? There appeared to be only one purpose for the ditches and that was to drain the wetlands and degrade them.

This would be a complete violation of the wetland protection laws.
If there were any toxins of concern they were being expedited into the bay by this ditch system.
The following year the ditch had been deepened and the liner secured improving the drainage tremendously.
We saw numbers ducks, geese, egrets, snipes and other birds using the ponds one week only to see the pools disappear the next, in the first of March, killing hundreds of stickle backs and interrupting the life cycle of the invertebrates, causing their reduction the following year.
The rains ended early the following year and the water that had been removed robbed the water table of the necessary water to keep the landlocked stickle back population alive during the dry season. They all died. The following year was also a dry spring. Last year the pools were depleted of most life.
To say there are no toxins on the property would be wrong. There still is bunker oil visible on the ground and in pools just near the entrance of the north south ditch, which will flow down the channel during a high flow event into the bay and an open bunker at the western edge of the yard just north of the old ditch. None of this has been capped or covered yet. These are very small areas and could be easily capped and do not characterize the vast majority of the acreage of the property.
This property owner is out of compliance with the toxic mitigation plan, the clean water act, migratory bird protection laws and the use permit issued by Fish and Game for the ditch.
The environmental consultant refused to meet with me before the pools had become degraded and all the stickle backs were killed. She told me she didn't have time to meet with me, her budget wouldn't allow it and the only thing she would be concerned about was if there were listed species on the property.
No thorough and proper environmental survey has ever been done.
I participated in some of the scoping sessions for the development plan and in every case the discussions were led in the directions that the developer wanted to go by their hired consultants or City staff. That direction is no recognition or protection of the wetland and the rare and unique aspect of the entire area south of the round house. This entire area should be off limits to all development and retained as the important open space and wetland that it is; It is an excellent candidate for long term restoration similar to to the Eastshore Park in the East bay which was the old Berkeley dump, now home to jackrabbits, birds an Pacific Chorus Frogs.
The latest version of the plan shows the entire wetland covered with housing. In violation of all of the above.
The EIR comment period Dec. 10 thru Jan 10 was no doubt designed to limit public comment.
There has been no discussion of the fact that the financial bubble that this sort development was born in a few years ago has burst. leaving the state and cities strapped in every way.
I think the most toxic thing about this property is this plan and it's process and the property owner.

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