

To: Golden Gate National Recreation Area/National Park Service

From: Marin Conservation League

Date: November 17, 2022

Subject: Tennessee Valley Dam Removal and Lower Valley Restoration Project Draft EA

Marin Conservation League appreciates the opportunity to comment on the Draft Environmental Assessment (EA) for the Tennessee Valley Dam Removal and Lower Valley Restoration Project. We find that both the NEPA Draft Environmental Assessment and CEQA-equivalent Initial Study Checklist (Appendix B) identify potentially significant impacts and provide adequate “mitigation” (Best Management Practices). In this Memorandum we offer observations of the proposal and request a few corrections to the Draft EA.

#### Scope of Project

The opening statement in the Draft EA Purpose and Need outlines the proposal (“Proposed Action” in NEPA terms; “Project” in CEQA terms): Remove a small earthen dam in the 1,500 acre Tennessee Valley coastal watershed to eliminate a safety hazard to visitors at the beach downstream of the dam, and, in a set of activities associated with the dam removal, restore habitats in the lower valley, including reaches both upstream and downstream of the dam. The latter activities (restore hydrologic function and habitats) have been integrated into the Proposed Action not only to make beneficial use of soils removed from the dam embankment, but also to avail the opportunity to continue a long-standing program to restore Tennessee Valley to pre-ranching natural conditions. The pond is one of the artificial introductions made by previous ranchers for waterfowl hunting, so its elimination will do more than resolve a public hazard.

On close examination, the Draft EA expands this basic description of the Proposed Action into a detailed description of activities over a three-year construction term involving excavation, transfer, stockpiling (with limited off-hauling), and redistribution of soil material (up to 6,000 cubic yards from excavating the new ponds alone – Table 1), so as to beneficially use it in reconfiguring and restoring hydrologic function and habitat in three action centers; demolition of farm structures and infrastructure; removal of between 250 and 296 eucalyptus trees (per MCL count – Table 2 gives a total of 284 trees) and relocation of logs for structural grade

control upstream of the dam; relocation of a population of endangered California red-legged frogs to three constructed replacement ponds; and repair of segments of public trail. In short, this is a fairly massive undertaking that will impact roughly one-third (our estimate) of the 1,750-acre Tennessee Valley watershed over a period of three years! Among other “short-term impacts” noted in the EA, the Proposed Action will for three-years disrupt public access to the coast on one of Marin County’s most popular trails, used annually by almost 400,000 in-county and out-of-county visitors!

#### MCL Comment on the adequacy of the EA

Given the complexity of the Proposed Action, the EA is thorough in detailing each activity and how the many individual work items will be integrated, distributed spatially, and sequenced to minimize short and long-term adverse impacts over the three years (Table 3). MCL has focused attention on Chapter 3: Affected Environment and Environmental Consequence. We agree with narrowing the alternatives to two – No Action, and Proposed Action. We also agree that the resource topics dropped from further discussion in the Draft EA are not of consequence. We also generally agree with the short-term impact conclusions for all resource topics that make up the bulk of Chapter 3.

While numerous short-term impacts are noted in Chapter 3, the term “mitigation” makes only limited appearance. How will these impacts be resolved in the long-term? Appendix A, under each resource topic, lists comprehensive Best Management Practices that have been integrated as part of the Proposed Action. In every case where a potential adverse impact of the Proposed Action might occur, the impact would be minimized or avoided by incorporating BMPs into the Proposed Action. The EA-equivalent CEQA document found in Appendix B: Appendix G Environmental Checklist form, follows CEQA protocol, listing potential impacts by resource category. Measures incorporated into the project to “mitigate” impacts are referred to appropriate BMPs listed in Appendix A.

It is not surprising, then, that Table 4: Long-term Impact Conclusion Summary, shows the Proposed Action as having only *Beneficial Effects* on eleven of the 17 resource topics listed – Public Safety, Water Resources and Quality, Wetlands, Floodplains, Threatened and Endangered Species, Wildlife, Fisheries, Geology and Soils, and Visual Resources. (The remaining six resource categories in Table 4 [Historical Properties, Transportation, Air Quality, Soundscape, Utility and Service Systems, and Hazardous Materials topics] would be either not affected, or negligibly affected, by the Proposed Action).

The Long-term Impact Summary Table represents the desired “as-built” condition and assumes that all BMPs will have been successfully implemented at the conclusion of the project and any potential short-term impacts eliminated. **For example, it assumes that all BIO and CRLF BMPs**

will be followed and that construction of Ponds B, C, and D will be successful in providing replacement habitat for the California Red-legged frog population that will be lost by the dam removal and pond dewatering. We look forward to reviewing the response of USFWS to the Draft EA and their final opinion. The reader has to assume that this optimistic forecast will be supported by monitoring (e.g., the success of establishing CRLF populations in new ponds) and that corrective actions (“adaptive management”) will be taken if this is not the case.

#### Corrections in the EA

- In reviewing the BMPs presented in Appendix A, we found them adequate, with one exception. Three BMPs referenced in Chapter 3 (3.3.10) discussion of Visitor Use and Experience are missing from Appendix A: BMPs VIS-2, 3, and 4. Please provide these missing BMPs, in that the disruption of visitor access is a short-term moderate adverse impact that would be significant without these BMPs.
- In Sub-chapter 2.1.3 Beneficial Reuse of Fill, first Paragraph, Line 4: Replace “exasperate” with “exacerbate.”
- Please re-check total number of eucalyptus trees to be removed in Table 2 and correct if necessary.