



Avocet Research Associates
wildlife biology

Mr. Tim Haddad
Marin County Community Development Agency
3501 Civic Center Drive
San Rafael, CA 94956

September 9, 2005

**RE: Redwood Landfill Solid Waste Facilities Permit Revision:
Draft EIR, SCH No. 1991033042**

Dear Mr. Haddad:

Please accept this letter of concern regarding the Redwood Landfill DEIR into the public record.

I have been conducting population studies of the federally-endangered California Clapper Rail (*Rallus longirostris obsoletus*) in the San Francisco Bay estuary for 25 years under permit with the U.S. Fish and Wildlife Service (#TE86728-2). The impacts of this project on the rail population in the Petaluma River tidal marshes, adjacent to the landfill site, is the subject of my concerns.

In section 3.3.4 the DEIR requires "Levee reconstruction to be avoided during the clapper rail nesting season unless surveys by a qualified biologist indicate that black or clapper rails are not nesting within 500 feet of the work area." This condition is not sufficient to protect potentially occurring rails in these adjacent marshes.

In earlier surveys we have detected both black and clapper rails along the main stem of San Antonio Creek, immediately adjacent to the landfill. Whether or not they nest is moot, however it is established that they occur in those marshlands, as well as in other marshlands downstream from the site. (Indeed, the lower Petaluma River is a population center in San Pablo Bay.)

The DEIR fails to account for the following factors affecting, or potentially affecting, rail populations:

- Ongoing activities at the landfill (noise, lighting, etc.) are already limiting the habitat value of the adjacent marshland and probably reducing the likelihood that rails are able to establish territories and breed.
- The USFWS protocols require that construction activity potentially disruptive to clapper rail reproductive success be restricted within “700-feet” of the center of a rail territory. A 500-foot radius is not sufficient to provide this buffer.
- Adjacent habitat is appropriate and potentially colonizing rails may be excluded by ongoing activities. The impacts from these ongoing activities are likely much wider than 500-feet.
- The statement “proper precautions shall be taken to confine the necessary disturbances to the smallest possible area” is not specific enough to actually protect rails if they are present (nesting or otherwise). Types of disturbances should be specified (decibel levels, night-lighting, etc.) and seasonally controlled whether rails are nesting or not.
- Contamination of the substrate, or migration of pollutants from the landfill footprint should be evaluated to determine potential impacts to San Antonio Creek and associated marshlands as well as the downstream tidal marshes associated with the Petaluma mouth.

The DEIR should be redrafted to address these impacts to rail populations and to provide remedies that would avoid impacts to these species.

Thank you for your attention to this issue.

Sincerely,

Jules Evens
Principal.