



March 14, 2022

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Submitted by Email: Frances.P.Malamud-Roam@usace.army.mil

RE: SPN-2018-00371; West Bay Sanitary District Flow Equalization and Resource Recovery Facility Protection Project

Dear Ms. Malamud-Roam,

The Friends of Bedwell Bayfront Park, the Santa Clara Valley Audubon Society, the Sierra Club Loma Prieta Chapter Bay Alive Campaign and the Sequoia Audubon Society take this opportunity to respond to the Public Notice (PN) regarding the West Bay Sanitary District (WBSD) Flow Equalization and Resource Recovery Facility Protection Project (Project).

The Project has applied for a permit pursuant to provisions of Section 404 of the Clean Water Act of 1972 and Section 10 of the Rivers and Harbors Act of 1899 for its Menlo Park location at 1700 Marsh Road. The site borders Bedwell Bayfront Park to the south and east. The remaining and more extensive boundary borders the tidal channels of Flood Slough and Westpoint Slough. The Greco Island unit of the Don Edwards San Francisco Bay National Wildlife Refuge shares the boundary along a narrow reach of Westpoint Slough, east of its Flood Slough junction.

The surrounding wetland conditions are predominated by tidal marsh and mudflat habitats that year-round serve a wide variety of birds and fish, a number of small mammals, and the occasional harbor seal. Daily tidal fluctuations expose expanses of mudflat frequented by shorebirds between the high tides that, in turn, flow through dendritic channels of tidal plain habitat of the endangered Ridgway's rail and salt marsh harvest mouse.

Adaptation to the rising tides of the San Francisco Estuary includes preservation and protection of its healthy tidal borders. It also requires ecological protection and conservation inclusive of the adjoining shoreline to enable ecological migration upslope as the seas rise. Such an opportunity exists at the Project site but WBSD's proposed Project does not provide for such a possibility.

We ask that the USACE, in its analysis of the Project's permit application, consider concerns we list below. **We also ask that the USACE consider fully the SPN-2018-00371 comment letter submitted by the Citizens Committee to Complete the Refuge.**

1. Concerns about the proposed Ecotone levee

We are generally supportive of using ecotone levees as nature-based adaptation strategies where appropriate. However, the design and location of the ecotone levee proposed for this project fails to fulfill the transitional ecotone function of expanding habitat area upslope and inland, providing for future habitat migration as the seas rise

- a. The Westpoint Slough lands that the Project would fill are currently healthy bank wetlands and tidal plain. The Project has previously acknowledged in its FEIR that fill will destroy the 2.17 acres of coastal tidal marsh that lie within up to 3.2 acres of Waters of the U.S. impacted. This loss cannot be mitigated, as the Project proposes, by replacing it with a different habitat type.
- b. The elevation and slope of the proposed ecotone would reshape the slough bank, ecotone bulk appearing likely to reduce channel capacity at higher tides and, on Greco Island, erode banks and increase frequency of tidal marsh inundation through redirected tidal flow.
- c. Placing the ecotone levee fully on State land precludes the beneficial adaptive impacts of an effective horizontal levee. A more effective design would use WBSD lands to shift the ecotone levee inland. Such an approach could avoid the near-term loss of tidal plain, allow a gentler slope, and create a true transitional levee on which tidal habitats could migrate as the seas rise. Because locating the ecotone levee outside the WBSD property and within a waterway is detrimental to habitat and channel flow, can the ecotone levee be located entirely on WBSD lands?

2. Concern about the Reverse Osmosis Concentrate (ROC) Disposal

While we are supportive of water reuse implementation, we realize that ROC disposal must be carefully resolved due to the nature of its content. While not discussed in the PN Project description, the associated drawings show placement of an ROC outfall about midway along the Project boundary on Flood Slough.

- a. The hydrological characteristics of this outfall location are complicated, affecting both stream direction and channel volume. Flood Slough terminates for its tidal influence near the Bedwell Bayfront Park entrance. While fully tidal year-round, the slough is a stormwater outflow during winter rains. Meanwhile, the twice daily ebb and flow of tides produce inflow toward the slough terminus, away from the Bay. Concurrently there is the rise and fall of the tides, twice-daily low enough to expose a significant expanse of mudflat with a low volume channel.
- b. The outfall would drain ROC with the expectation that pollutants it may carry would be both diluted in the channel and transported to the Bay. As described above and depending on the tides, the characteristics of Flood Slough may instead transport ROC to its inland terminus or flow across exposed mudflats, possibly cutting a localized channel. Given the extensive use of this channel by sensitive wildlife, any of these outcomes are of concern.
- c. Several WBSD documents that discussed the Recycled Water Facility and ROC disposal suggest that the outfall would be continuous during times when its onsite ROC evaporation pond is full. If continuous or 24-hour, the tidal effects on outfall disposal are factors that must be considered. Is this location appropriate for a 24-hour ROC outfall?

3. Concern about the proposed Helipad

We were surprised to see a helipad included in the Project's drawings. The surprise arose from not having seen any reference to a Helipad in other WBSD documents including the recent EIR. Our concern arises from the noise, light and wind disturbance that helicopters produce and would impact this ecologically sensitive location. By location it appears that it would require environmental review and permits from multiple agencies including the Bay Conservation and Development Commission and the USFWS.

4. Request for a public meeting

- a. We learned of the Project through associates who receive USACE PNs. We have learned too that the Project's environmental review reported only minimal public response and comment. The WBSD notices of the NOP and the DEIR were sent to a very limited list of mailing addresses and not to its established customers or local stakeholders like the Friends of Bedwell Bayfront Park or wildlife and Refuge advocacy groups. Citing the pandemic, the Project did not offer a public meeting for the DEIR, not even a virtual meeting on the internet.
- b. We ask the USACE to schedule a well-noticed public meeting regarding the Project, even if virtual.

We are hopeful that the USACE determination will produce outcomes that sustain and protect the San Francisco Bay, its sloughs, wetlands, wildlife and the shoreline itself.

Sincerely,



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