



*Building a healthy and sustainable global community for people  
and the plants and animals that accompany us on Earth*

October 31, 2011

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**SENT VIA ELECTRONIC MAIL**

**RE: COMMENTS ON THE SIGNIFICANT NATURAL RESOURCE AREAS MANAGEMENT PLAN  
DRAFT ENVIRONMENTAL IMPACT REPORT (Case Number 2005.1912E)**

Dear Mr. Wycko & Ms. Range:

On behalf of the Wild Equity Institute, its members, Board of Directors, and staff, I submit these comments on the Significant Natural Resources Areas Management Plan Draft Environmental Impact Report, Case Number 2005.1912E. These comments focus on the DEIR's treatment of Sharp Park natural areas and Sharp Park Golf Course.

The preferred alternative for Sharp Park proposed in the DEIR is substantially different from the proposal approved by the Recreation and Parks Commission for environmental review and the version announced during scoping of this project. These differences have affected the proposed alternative's ability to meet the project's stated goals and purposes; they impact the proper definition of the project setting; they affect the range of alternatives that the City must assess; and they affect the scope of environmental analysis that the City must complete before finalizing the EIR.

Because of these changes, the DEIR provisions addressing Sharp Park are deficient in many respects, and if finalized will be challenged in court—and make it highly probable that the challenge will succeed, resulting in an unnecessary delay in implementing the many other elements of the SNRAMP. These changes cannot be remedied at this time without at least recirculating the DEIR for further environmental review after additional analysis, and likely require a new DEIR for Sharp Park altogether. Therefore, as drafted by the City, the DEIR puts the original elements of the Natural Resource Areas Management Plan in the City's other natural areas in needless jeopardy.

Therefore, the Wild Equity Institute recommends that the City segregate out all Sharp Park elements in the DEIR, conduct additional, legally required environmental review, on these Sharp Park elements, and finalize the remaining portions of the DEIR which have had adequate environmental review. Because of the peculiar mix of program and project elements in the remaining elements of the DEIR—and the project-specific nature of the Sharp Park component of the analysis—this can and should be done by the City without requiring additional processing on the non-Sharp Park portions of the DEIR. If the City proceeds in this manner the remaining elements of the DEIR can move forward while the requisite environmental review is conducted at Sharp Park, all without running afoul of CEQA, ensuring that the remaining elements of the plan can be adopted and implemented by the City as quickly as possible.

These comments rely upon comments previously submitted by me as individual during the scoping period, including all attachments to those comments, and all previous comments are incorporated into these comments by reference.

## **I. LARGE-SCALE CHANGES IN THE PROPOSED PROJECT FOR SHARP PARK REQUIRE FURTHER CEQA ANALYSIS.**

The proposal for Sharp Park has been radically changed, as identified in Appendix J. These changes are not consistent with the project goals and purposes of the Natural Areas Program, and they blur the essential distinction in the CEQA process between the defined project areas and the environmental background/setting. For both of these reasons, the Sharp Park section should be segregated out from the EIR process and undergo further environmental review.

As stated in the DEIR, The SNRAMP is intended to “guide activities on properties owned or maintained by the SFRPD through its Natural Areas Program. Figure 1 is an overview map of the Natural Areas.” DEIR p. 82. At Sharp Park, the Natural Areas Program “owns or operates” only certain portions of Sharp Park: Laguna Salada, Horse Stable Pond, the connecting channel between these two aquatic features, portions of Sanchez Creek, and the eastern hillside forests. These areas are clearly labeled in Figure 1 of the DEIR, and exclude all areas that are “owned or operated” by SFRPD through its Golf Program. Indeed, as explained in several communications by the SFRPD since 2006, this distinction between Golf Program and Natural Areas Program lands has been an essential element of how the environmental assessment would be conducted—and has been repeatedly used by the Department to oppose considering alternatives for the Sharp Park Natural Area that would provide additional environmental, recreation, and other SNRAMP Project benefits on the site.

Yet every alternative proposed by SFRPD for Sharp Park beside the no-action and maintenance alternatives incorporate golf lands into the project proposal. This is particularly true in the preferred alternative, which defines the “restoration footprint” of the SNRAMP for Sharp Park to include about 1/3 of the golf course links. This creates an inherent, confusing flaw in the DEIR, because it is no longer possible to distinguish between the project proposal and the environmental setting within which the project is proposed to be conducted. SFRPD cannot create a cohesive environmental review document if it is changing the environmental setting and baseline project area along with the project itself. This alone requires further explication and environmental review before the Sharp Park portion of the DEIR is approved.

The importance of this distinction is highlighted by the purpose and goals of the project, as stated in the DEIR. The DEIR states that the SNRAMP will “provide the framework for the long-term management of the Natural Areas.” DEIR p. 84. Section III.E.2 of the DEIR further describes the specific management categories within the Natural Areas Program jurisdictional areas, defining categories of natural areas that will have different management regimes (MA-1, MA-2, and MA-3). *Id.* But at Sharp Park, the golf course lands that are included within the “restoration footprint” are not considered to be any of these three categories of management units. This is consistent with the original project proposal for Sharp Park, as well as the maps produced during the scoping period, which clearly indicated that no golf links would be part of any management area within the plan.

These flaws create an incoherent DEIR at the critical first steps at Sharp Park. Without a clearly defined project proposal and environmental setting, none of the procedural elements of a CEQA assessment can be properly conducted. As a consequence, flawed environmental decisionmaking is likely to occur—the opposite of what CEQA is designed to do.

This is apparent in the DEIR’s complete failure to consider full environmental restoration alternatives at Sharp Park for the area’s aquatic lands and features. While on the one hand the DEIR selects as the preferred alternative for Sharp Park a plan that would redesign Sharp Park’s golf links to reduce flooding on the course, the DEIR refused to consider full environmental restoration alternatives at Sharp Park. The problem with the alternatives assessment will be discussed more fully below, but this problem has at its root the City’s failure to create a consistent project area and environmental baseline condition. Therefore, this portion of the EIR cannot simply be remedied by reviewing and adopting or rejecting another alternative during the period between the draft and final EIR: the City must also redefine its project and environmental setting to remedy this problem.

## **II. NEITHER THE PREFERRED ALTERNATIVE FOR SHARP PARK, NOR ANY OF THE ALTERNATIVES ASSESSED IN THE DEIR, MEET THE GOALS AND OBJECTIVES OF THE PROPOSED PROJECT.**

The SNRAMP has precise goals and objectives. These include recreation goals such as providing “opportunities for passive recreation, such as hiking and nature observation, that are compatible with conservation and restoration goals; and [t]o improve and develop a recreation trail system that provides the greatest amount of accessibility while protecting natural resources.” Moreover, the SNRAMP conservation and restoration goals include:

- To maintain and enhance native plant and animal communities;
- To maintain and enhance local biodiversity;
- To reestablish native community diversity, structure, and ecosystem function where degraded;
- To improve Natural Area connectivity; and
- To decrease the extent of invasive exotic species.

Yet the preferred alternative for Sharp Park fails to meet these goals and objectives, nor does it squarely fit in any other project goal or purpose. Instead, as defined it will maximize *active* recreation that threatens the natural areas at the expensive of feasible alternatives that would meet the conservation and recovery goals. This is not consistent with the requirements of CEQA,

and therefore the preferred alternative is not feasible—because it cannot meet the goals and objectives of the project.

On the other hand, a full restoration alternative as proposed in the ESA/PWA report attached to this comment *would* meet all of these project goals and objectives—and yet it was rejected as infeasible by the Department because it may have impacts on an historic resource. But the City has failed to apply the proper standard to this question (and as described below, its assertion of historical significance at Sharp Park is absolutely in error). Financially feasible alternatives that meet the goals and objectives of the project cannot be eliminated from environmental review and consideration—i.e., excluded from the alternatives assessment process—simply because they may have some unavoidable significant impacts. This is particularly true when those impacts can be mitigated.

Here, it is abundantly clear that the full restoration alternative proposed in the ESA/PWA report and provided to the City many months ago meets the criteria for consideration as an alternative in the DEIR. Moreover, the preferred alternative also has unmitigatable impacts—and yet these very same impacts were used to exclude the full restoration alternative for review. This is inconsistent and not supportable by any standard or substantial evidence. For this reason, the CEQA document is flawed.

### **III. THE HISTORIC RESOURCE ASSESSMENT FOR SHARP PARK GOLF COURSE IS ERRONEOUS.**

As explained in the attachment, the Sharp Park historic resource assessment is fundamentally flawed. The golf course clearly no longer retains integrity: as explained by the comments submitted by PGA Design (also attached here), by the comments of the Historic Preservation Commission, and by independent analysis, the golf course lacks historic integrity today. See the attached Wild Equity Institute assessment for a link-by-link assessment of the course's integrity.

The City's historic resource assessment relies almost entirely on the position of uncredentialed individuals associated with the San Francisco Public Golf Alliance to support its view. But this view has never been adopted by any public body—including the City of Pacifica, despite the DEIR's assertion to the contrary. In particular, the City of Pacifica has never moved Sharp Park Golf Course onto a list of protected historic sites—only the golf course club house has been so protected. Indeed, the golf course receives the same protection under Pacifica's general plan historic element as Laguna Salada itself and the surrounding habitat areas. Yet these areas are excluded entirely from the historic resource assessment.

Moreover, the City's assertion that the era in which the golf course was created was somehow significant is unsubstantiated and not adequately documented. There is simply no evidence that there was a "golden era of golf" in San Francisco when the golf course was constructed—indeed, the evidence indicates that golf course demand was on the wane when Sharp Park was constructed. Without additional documentation that the era was significant, there is simply no basis under any criterion to declare Sharp Park Golf Course an historic resource under CEQA, as explained in the attached comments by PGA Design. Absent more information about this era and its relationship to the time period around this period of significance, the City has no basis for declaring Sharp Park Golf Course historic.

Indeed, the scoping document makes this readily apparent. The scoping document states expressly that “Sharp Park has had nine overviews and surveys within and adjacent to it” to discover historic and archeological resources. None of these surveys have ever considered Sharp Park Golf Course an historic resource. In addition the scoping document states that “[n]o historical architectural resources listed in Article 10 or Article 11 of the San Francisco Planning Code are within the architectural [CEQA Area of Potential Effects].” This includes the area at Sharp Park that has a C-APE.

At the same time, the golf course as currently laid out impedes telling the story of truly historic events on the land. Native Americans historic use of the land goes uninterpreted and is made inaccessible by the golf course, and the story of an internment camp at Sharp Park during WWII is completely untold, obscured by the existing land use at Sharp Park. These stories can be told with vibrancy if full restoration is selected by the City—but because of its unlawfully constrained alternatives assessment, this option is not even placed before decision makers for review.

#### **V. THE DEIR PIECEMEALS THE ENVIRONMENTAL ASSESSMENT OF SHARP PARK BY DELAYING ASSESSMENT OF THE FUTURE OF SHARP PARK’S SEA WALL AND IGNORING THE EXISTING ALTERNATIVES’ RELATIONSHIP TO A LONG-TERM GOLF COURSE REDESIGN.**

The DEIR recognizes that the future of Sharp Park’s sea wall is subject to considerable uncertainty. As explained in the ESA/PWA report, sea level rise induced by climate change, along with storm surges and erosion, all make it infeasible to retain a sea wall at Sharp Park as it is currently designed. Only two options are available to the City: armoring the sea wall at Sharp Park, or allowing the sea wall to revert over time to a naturally managed coastal system.

Yet while these alternatives are acknowledged in the DEIR, the DEIR expressly delays consideration of these impacts to some unknown point in the future. Specifically, the DEIR states that while these alternatives have been considered by SFRPD, “those options are not proposed as part of the SNRAMP. Thus, they are not addressed in this EIR.” DEIR p. 103. But the DEIR is intended to guide management at Sharp Park for the next 20 years—a timeframe in which meaningful impacts to the sea wall may occur according to the ESA/PWA report, and which if the City fails to address could irreversibly harm the endangered species at Sharp Park, the existing infrastructure at Sharp Park Golf Course, and the surrounding communities. By failing to consider this impact presently, the City is piecemealing the environmental review for its plan at Sharp Park to retain an 18-hole golf course at Sharp Park on a permanent (relevant to the SNRAMP timeline) basis.

The DEIR makes this problem express on p. 527, where it states that full natural restoration alternatives at Sharp Park “have been rejected because they are not compatible with the existing and *planned* 18-hole layout of the historic golf course.” (emphasis added). Yet the planned golf course is not part of the DEIR environmental assessment—this is classic piecemealing of a project to avoid cumulative, long-term, or complete environmental analysis of a project proposal. This can only be remedied by segregating out the Sharp Park section of the DEIR and subjecting it to a full and thorough environmental review as required by CEQA.


**VI. THE PREFERRED ALTERNATIVE AT SHARP PARK IS INFEASIBLE BECAUSE PERMITS CANNOT BE OBTAINED TO IMPLEMENT IT WITHOUT JEOPARDIZING THE FINANCIAL FEASIBILITY OF THE PROJECT.**

As explained in the attached meeting notes and proposed letter from SFRPD staff, the Fish and Wildlife Service has already reviewed substantially the same plan that is proposed in the preferred alternative for Sharp Park Golf Course. And they have informed San Francisco that in order to implement this plan, it cannot be deemed a “recovery” effort, and so stringent permitting requirements will apply. These will include, among other things, the creation of a capital endowment that will fund the long-term management of Sharp Park’s natural areas. Such an endowment or trust would likely require investments of millions of dollars—making the entire proposal infeasible, or certainly less financially feasible than other alternatives available to the City.

The reason this is so is because the proposed project, particularly in light of reasonable alternatives that were nonetheless rejected by the City, has little to do with the long-term restoration of Sharp Park’s special status species or the underlying environmental conditions that were destroyed by Sharp Park Golf Course. Rather, the preferred alternative reduces the probability that those objectives of the SNRAMP will be achieved, sacrificing these goals and objectives for golf course water management objectives. The proposed plan is designed to reduce flooding of Sharp Park Golf Course by dredging areas of Laguna Salada and dumping the spoils on the holes which most regularly are flooded during normal winter rains. Given the overwhelming concerns raised about this proposal by the only peer-reviewed assessment of the dredging plan (i.e., the ESA/PWA report),<sup>1</sup> and its incompatibility with the goals and objectives of the SNRAMP, it is simply a violation of CEQA for the city to continue implementing a proposed project that ultimately meets objectives of other projects not within the environmental assessment presented in the DEIR.

For all of these reasons, the City should segregate out Sharp Park from the DEIR, send it back for further CEQA review, and allow the rest of the SNRAMP DEIR move forward without delay.

Sincerely,



Brent Plater

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<sup>1</sup> The SNRAMP DEIR relies on a report from 1992 by PWA to support its dredging plan, and even this 1992 report is based on earlier documents which made assumptions about the historic condition of Sharp Park. But the same firm that wrote the 1992—PWA—re-evaluated the 1992 report in 2011 and released its concerns about that plan in the ESA/PWA report in February of 2011. As explained in the report, nearly two decades of additional information about Sharp Park has led to a reassessment of the historic condition of Sharp Park, and the appropriate mechanism to restore the land while providing for the recovery of the special status species. But the DEIR completely ignores this additional data—despite having it available since February of 2011. Moreover, this information was provided by the report authors to the Sharp Park Working Group even earlier than that. There is simply no excuse for the City to ignore this information.