

To: Clerk of the San Francisco Board of Supervisors  
San Francisco Board of Supervisors  
Lisa Gibson, Planning Department, Environmental Review Officer

From: Dee Seligman, Interim President, San Francisco Forest Alliance  
Rupa Bose, Vice President, San Francisco Forest Alliance  
Tom Borden, Director, San Francisco Forest Alliance

Date: January 5, 2017

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BOARD OF SUPERVISORS  
SAN FRANCISCO  
2017 JAN -5 PM 1:33  
BY \_\_\_\_\_

Subject: Appeal to Board of Supervisors of EIR certification Planning Department Case 2005.091.2E

In accordance with Administrative Code Section 31.16, the SF Forest Alliance does hereby appeal the Planning Commission's Certification of the SNRAMP (Significant Natural Resource Areas Management Plan) EIR on December 15, 2016. A copy of the certification motion is attached. Per Section 31.16 (b) (6), we ask that, "The Board shall conduct its own independent review of whether the CEQA decision adequately complies with the requirements of CEQA. The Board shall consider anew all facts, evidence and issues related to the adequacy, accuracy and objectiveness of the CEQA decision including, but not limited to, the sufficiency of the CEQA decision and the correctness of its conclusions."

Based on the evidence accompanying this letter and additional materials to follow, we believe the Board will find the EIR does not comply with CEQA, including that it is not adequate, accurate and objective; that it is not sufficient as an informational document; that its conclusions are incorrect, and it does not reflect the independent judgment and analysis of the City.

This appeal is not about whether you prefer trees or grass, whether you want to preserve and expand our historic native habitat or accept the changes caused by man and nature. This appeal is about accountability and transparency. Does the EIR correctly identify the significant environmental impacts of the SNRAMP and have mitigation measures been identified to minimize or eliminate those impacts?

This appeal is before you because the EIR fails to identify significant impacts of the Plan's implementation, and, therefore, fails to define mitigation measures to address them. These unidentified impacts include significant greenhouse gas emissions and the closure of 23% of our total parkland to public access. Further, the EIR contains what we will politely call inaccuracies. They have no place in what should be an impartial evaluation of the Plan. Finally, the current EIR relies heavily on an unsupported premise: namely that removed trees will be replaced on a one-to-one basis within the project area.

What needs to be done? Send the EIR back to Planning so they can:

- properly identify the Plan's significant impacts;
- require mitigation/accountability measures for the added significant impacts;
- remove the incorrect statements;
- add a mitigation measure that introduces accountability for tree removal and replacement.

While this is happening, the Recreation and Parks Department should be restrained from continuing their implementation of the SNRAMP. The language of this restraint should be essentially the same as the language issued by the Board of Supervisors in 2002 in BOS Resolution 653-02. That is:

*FURTHER RESOLVED, That until the Natural Areas Management Plan is completed and approved by the Board of Supervisors, the Natural Areas Program may continue to preserve and maintain genuine remnants of San Francisco's native flora and fauna so long as those activities do not include:*

*Removal of healthy trees that pose no safety hazards*

*Trail closures, or restrictions on access and recreation*

*Expansion of activities into areas that no longer support predominantly native flora and fauna*

And yes, Rec and Park has been implementing the SNRAMP even as we waited for its EIR. They ignored your resolution and they violated CEQA.

Below are summarized failings of the EIR that demonstrate how the EIR is not adequate, nor accurate nor objective, the three criteria of CEQA. We will follow up with supporting documents that provide the facts and information sources that back up these assertions.

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The EIR for the SNRAMP is neither adequate nor accurate. It presents false information; refuses to acknowledge significant negative impacts; fails to assess the actual intent of the SNRAMP; and makes unwarranted assumptions. An important mitigation measure is missing. See the link below for the full critique:

<https://sfforest.files.wordpress.com/2016/12/arguments-against-certification-of-snramp-eir.pdf>

## **1 . Greenhouse Gases**

The EIR claims implementing the SNRAMP will result in an increase in stored carbon to reduce global warming. You do not have to be a scientist to realize that cutting down 18,448 trees and replacing them with grass and shrubs will have the opposite effect. The result will be a huge release of stored carbon and a loss of future carbon sequestration. The emissions from the trucks and logging equipment needed for the Plan's implementation and maintenance are not accounted for. The greenhouse gas figures presented in the EIR are intentionally miscalculated. The greenhouse gas emissions run counter to San Francisco's 2008 Greenhouse Gas Ordinance and AB 32, California Global Warming Solutions Act of 2006. Therefore, the impact must automatically be deemed Significant since it, "Conflicts with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases."

(2016 CEQA Statute and Guidelines Page 285)

## **2. Tree Replacement**

The EIR states the SNRAMP includes a 1:1 tree replacement policy, that every tree removed in the project area would be replaced with a new tree somewhere in the project area. This is a false premise. No such commitment appears in the SNRAMP or in any City code governing the Plan. The EIR cites no documented policy to support this assertion, yet it makes the claim over and over again to support analyses of various Impacts. The only "documentation" presented is a Feb. 2012 memo from Rec and Park to Planning that makes a loosely stated claim that trees will be replaced. Note that this memo was sent 15 months after the DEIR was published.

The EIR claims trees planted as replacements would be trees. Where the SNRAMP does mention replacing trees, it says, "Although the removal of invasive trees would be noticeable, the trees in the San Francisco Natural Areas would be replaced with either native trees or other native vegetation, such as native scrub or grassland species.... in some locations, trees would be replaced by native scrub or grassland species...". There is no definition of what might qualify as a replacement "tree". Does a shrub qualify? Would the species planted ever grow large enough to be considered a tree?

In discussing tree replacement, the EIR states, "the proposed project would replace primarily dead, dying, and diseased trees". This is not true. Trees to be removed under the SNRAMP are not selected based on poor health, but rather to remove trees in specific areas to open up those areas to promote grasslands. This is one of the most fundamental intents of the SNRAMP.

### ***Missing Mitigation Measure***

*A requirement to plant replacement trees in the Natural Areas must be added as a mitigation measure in the EIR. The measure needs to include a recording system to track the size, type, location, reason for removal and date of trees removed. At the same time it should track the size, type, location and date of trees planted. Planted trees should be monitored annually to assess survival rates. Failed trees must be replaced. This mitigation measure is critical to control negative impacts on air quality, greenhouse gas emissions, aesthetics, wind and hydrology.*

### **3. Loss of Public Access**

The EIR fails to address the fact the Plan would close 95% of our wild parkland to public access. The SNRAMP discloses that the public would be restricted to on-trail use in MA-1 and MA-2 areas. The signs that the Natural Areas Program (NAP) installed in January 2015 make it illegal to go off-trail in any Natural Area, including those classified MA-3. The surface area of trails in the Natural Areas amounts to less than 5% the total acreage. Many of us commented on the draft EIR that limiting public use to on-trail only was a huge impact. Today we can roam our parks freely. Kids can explore nature, climb on rocks, see what's "over there". With SNRAMP implementation, our park use will be limited to walking on the NAP's "designated" trails. The EIR sweeps this issue under the carpet.

### **4. Trail Closures**

The actual extent of intended trail closures is not disclosed in the SNRAMP and not evaluated in the EIR. In most of the parks where the NAP has violated CEQA and moved forward with implementation of the SNRAMP, trail closures have been much more extensive than disclosed in the SNRAMP. Consider parks where "improvement" projects have been completed by the NAP and "designated" trails have been specified. The SNRAMP indicates 22% of trails in those Natural Areas would be closed. In fact, the NAP has closed 53% of them. This is a significant environmental effect on recreation the EIR fails to recognize.

### **5. CEQA Violations**

The EIR claims the SNRAMP is not being implemented ahead of the EIR certification, which would be a violation of CEQA. However, the NAP has been closing trails and erecting access control fences in parks all over town. They have installed signs in virtually every natural area restricting us to their designated trails. These are all CEQA violations, which the writers of the EIR deny.

**Implementation of the SNRAMP must be halted while this appeal is pending, the EIR is corrected, and finally re-certified by the Planning Commission.**

### **6. Herbicides**

The EIR claims there will be no increase in herbicide use when the plan is implemented. Why would the EIR say something that cannot be true? The Plan calls for cutting down 18,448 trees and treating the stumps with Tier 1 herbicides. This will require additional herbicide. The Plan calls for more native plantings and conversion of forest to open grassland. Obviously, if there are more plants and new open area to defend against "weeds" more herbicide will be required.

### **7. Bicycle Prohibition**

The EIR claims, "The SNRAMP does not single out bicyclists as a concern and does not include actions directed specifically at bicycle use." And yet, the NAP has already installed signs in our Natural Areas prohibiting bike riding, or even bringing bicycles into the park areas managed under the program. People will not ride their bicycles to a park if they have to leave them at the park boundary. Why can't our children ride bikes on trails away from cars? This action flies in the face of Transit First, Green Connections and our Children's Outdoor Bill of Rights.

## 8. Fences Blight Landscapes

The NAP's implementation of the SNRAMP in advance of the EIR demonstrates that their use of fences will be much more extensive than what is disclosed in the SNRAMP. The SNRAMP says, "If off-trail use continues in a particularly sensitive habitat (e.g., wetlands), permanent fencing shall be considered as a last resort once all other options, including enforcement, have failed." In fact, the NAP has already installed vast quantities of fencing for public access control that have a significant environmental effect on Aesthetics. Parks particularly hard hit with fences are Corona Heights, Grandview and Glen Canyon where fences are now dominant features of the landscapes.

## 9. Incorrect "Facts"

Commenters on the DEIR complained about the removal of public amenities by the NAP. A bench on Mt Davidson was cited as an example. The EIR claims the bench was removed, "because it was rotting and unsafe for sitting." In fact the bench was removed, not because it was rotting and unsafe, but because it was popular with park users who were attracted to an area where the NAP wanted to restrict usage. Proof of this is contained in an email from Chris Campbell of the NAP.

<http://sfforest.org/2016/12/10/disturbing-story-of-mt-davidson-bench/>

A commenter on the DEIR noted that the Program was cutting off neighborhoods from their parks. The trail closed by the NAP in Glen Canyon between Silver Tree Camp and O'Shaughnessy Blvd. was cited. In an effort to hide the CEQA violation, the EIR claims the trail, "was closed prior to the commencement of the environmental review for the SNRAMP." The trail in question appears in the 2006 SNRAMP as a trail to be closed under the Plan. However, in fact, the EIR process was initiated in 2005 because the Planning case number is 2005.091.2E. Further, the trail continues to appear as a trail to be closed on the map for the Glen Canyon Trails Improvement Project published in 2011. A fence was constructed at the bottom of the trail in the course of that project.

Why are these misstatements incorporated into the EIR? Their inclusion shows the authors of the EIR had a strong bias in favor of the SNRAMP. These last couple of examples amount to nothing but a silly whitewash of the Plan's impacts. However, the miscalculations of greenhouse gas sequestration and the spurious "facts" created to support them take this misstatement to a higher level.

We respectfully request that our Supervisors, representing all San Francisco neighborhoods, will carefully review this Appeal letter and send this EIR back to Planning for further mitigations; accountability measures; removal of incorrect statements; and proper identification of the significant impacts.

Sincerely,



Dee Seligman, Interim President, San Francisco Forest Alliance

Rupa Bose, Vice President, San Francisco Forest Alliance

Tom Borden, Director, San Francisco Forest Alliance



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BY li

**Planning Commission Motion  
NO. 19825**

HEARING DATE: DECEMBER 15, 2016

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Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

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415.558.6409

Planning  
Information:  
415.558.6377

*Case No.:* 2005.0912E  
*Project Address:* Significant Natural Resource Areas Management Plan<sup>1</sup>  
*Zoning:* N/A  
*Block/Lot:* 31 Natural Areas in San Francisco and Pacifica (various parcels)  
*Project Sponsor:* San Francisco Recreation and Parks Department  
Stacy Bradley – (415) 575-5609  
[stacy.bradley@sfgov.org](mailto:stacy.bradley@sfgov.org)  
*Staff Contact:* Melinda Hue – (415) 575-9041  
[melinda.hue@sfgov.org](mailto:melinda.hue@sfgov.org)

**ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED SIGNIFICANT NATURAL RESOURCE AREAS MANAGEMENT PLAN.**

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the final Environmental Impact Report identified as Case No. 2005.0912E, the "Significant Natural Resource Areas Management Plan" (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
  - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on April 22, 2009.
  - B. The Department held a public scoping meeting on May 12, 2009 and May 14, 2009 in order to solicit public comment on the scope of the Project's environmental review.
  - C. On August 31, 2011, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning

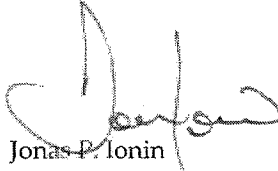
<sup>1</sup> The Significant Natural Resource Areas Management Plan, or SNRAMP, is now referred to as the Natural Resources Management Plan; however, to maintain consistency between the Draft EIR and the RTC document, the term SNRAMP will continue to be used.

Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

- D. On August 31, 2011, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.
  - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on August 31, 2011.
2. The Commission held a duly advertised public hearing on said DEIR on October 6, 2011 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on October 31, 2011.
  3. On April 27, 2012, the Department opened a second public review and comment period for the DEIR, and provided public notice in a newspaper of general circulation of the availability of the second public review and comment period; this notice was mailed to the Department's list of persons requesting such notice and to neighborhood groups registered with the Department at that time. The period for acceptance of written comments ended on June 11, 2012.
  4. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the first 61-day public review period and the second 45-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Comments and Responses document, published on November 16, 2016, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
  5. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document all as required by law.
  6. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
  7. On December 15, 2016, the Commission reviewed and considered the information contained in the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
  8. The project sponsor has indicated that the presently preferred alternative is the Significant Natural Resources Area Management Plan.

9. The Planning Commission hereby does find that the FEIR concerning File No. 2005.0912E: Significant Natural Resources Area Management Plan reflects the independent judgement and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR that would require recirculation of the document pursuant to CEQA Guideline Section 15088.5, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
  
10. The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the Environmental Impact Report and the project preferred by the project sponsor, described as the Significant Natural Resources Area Management Plan in FEIR would have the following significant unavoidable environmental impacts, which cannot be mitigated to a level of insignificance:
  - A. A significant project specific and cumulative impact on Sharp Park Golf Course, a historic resource under CEQA, due to modification of golf holes for restoration activities;
  
  - B. A significant cumulative impact on recreation in dog play areas (DPAs) within Natural Areas due to increased use resulting from the reduction of dog play areas by the project and potentially by the National Park Service's (NPS) Dog Management Plan within the Golden Gate National Recreation Area (GGNRA);
  
  - C. A significant cumulative impact on biological resources within Natural Areas DPAs due to increased use resulting from the reduction of dog play areas by the project and potentially by the NPS Dog Management Plan within the GGNRA; and
  
  - D. A significant project-specific and cumulative impact on air quality from activities such as trail construction, hillside stabilization, erosion control, and tree removal.
  
11. The Planning Commission reviewed and considered the information contained in the FEIR prior to approving the Project.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of December 15, 2016.



Jonas P. Ionin  
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Richards  
NOES: Moore  
ABSENT: None  
ADOPTED: December 15, 2016



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For NRAMP EIR appeal

Harland Clarke

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Application to Request a  
**Board of Supervisors Appeal Fee Waiver**

CASE NUMBER:  
For Staff Use only

# APPLICATION FOR BY u Board of Supervisors Appeal Fee Waiver

## 1. Applicant and Project Information

APPLICANT NAME: Dee Seligman		
APPLICANT ADDRESS: 2094 Fell St. San Francisco, CA 94117	TELEPHONE: (415 ) 668-6308	EMAIL: deesel91@gmail.com
NEIGHBORHOOD ORGANIZATION NAME: San Francisco Forest Alliance		
NEIGHBORHOOD ORGANIZATION ADDRESS: P.O. Box 460668 San Francisco, CA 94146	TELEPHONE: (415 ) 297-6084	EMAIL: Sfforestnews@gmail.com
PROJECT ADDRESS: Natural Areas within San Francisco Recreation and Parks		
PLANNING CASE NO.: 2005.091.2E	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY): 12/15/2016

## 2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.
- The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.
- The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

Submission Checklist:

- APPELLANT AUTHORIZATION
- CURRENT ORGANIZATION REGISTRATION
- MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION
  
- WAIVER APPROVED                       WAIVER DENIED



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

**FOR MORE INFORMATION:**  
Call or visit the San Francisco Planning Department

**Central Reception**  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: **415.558.6378**  
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**Planning Information Center (PIC)**  
1660 Mission Street, First Floor  
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TEL: **415.558.6377**  
*Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.*