

# Conservation group claims Pleasanton wetlands were filled in illegally

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PLEASANTON — The Staples Ranch development, which has been in the planning stages for years, may have to clear another hurdle before building takes place.

The Alameda Creek Alliance is asking the San Francisco Bay Regional Water Quality Control Board to investigate what the conservation group says was the filling in of seasonal wetlands at Staples Ranch without permits.

The alliance says it learned through a public records request that construction of the Arroyo Las Positas realignment/Arroyo Mocho widening project in 2003 filled wetlands in the northwest portion of the property with surplus soils.

"It is wiped out and won't ever be habitat again," said Ralph Kanz, the conservation director of the Alameda Creek Alliance. "We are acknowledging that (Staples Ranch) will get built and we have no problem with that. But are they going to mitigate? We just want full mitigation."

Staples Ranch is a 124-acre site on the northeast side of town south of Interstate 580. It is between West Las Positas Boulevard in Pleasanton and El Charro Road on Livermore's side.

Development plans include a 45-acre senior continuing care facility, 37-acre auto mall, 11 acres of retail, a 17-acre community park that includes a 141,679-square-foot indoor ice skating facility and a 5-acre neighborhood park. Alameda County currently owns the land but is planning to annex it to the city when the project gains full approval.

Kanz said a report done by the city in 1989 revealed that before any work on the site began the county and city were supposed to survey the area for the California tiger salamander, which has been designated as a candidate for threatened or endangered status. However, those surveys were not done until 2006, three years after the Alliance said the wetlands were filled without proper permits.

"They should have done surveys before they filled the wetlands and should have determined what was there," said Kanz. "It has been seven years since it has been filled. There is no way to know what was there."

Alameda County staff disagrees with the allegation and have drafted its a letter to the water quality board addressing the allegations, said Patrick Cashman, director of the county surplus property authority.

"We had a valid permit from the Army Corps of Engineers to fill," said Cashman. "... We behaved fully within our rights."

The Alliance and two organizations sued the city in March of 2009, saying the environmental impact report for the site failed to analyze the effects a road extension involved in the project would have on surrounding wildlife and habitat. The sides settled the suit with the city agreeing to conduct a supplemental environmental impact report addressing the concerns.

Pleasanton City Manager Nelson Fialho and representatives of the water quality control board were not immediately available for comment.