



# Hearn Veterans Village

CITY PROJECT FILE# MIN21-001

SCH # 2021050149

## RESPONSE TO COMMENTS ON THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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**NOVEMBER 2021**

## RESPONSE TO COMMENTS ON HEARN VETERANS VILLAGE DRAFT IS/MND

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## **1. INTRODUCTION**

In accordance with the California Environmental Quality Act (CEQA) of 1970 (as amended) (California Public Resources Code 21000 et. seq.), the Public Draft Initial Study/Mitigated Negative Declaration (IS/MND) was circulated for a 30-day public review and comment period from May 7, 2021, to June 7, 2021. As presented herein, several public comment letters were received during the public comment period on the Draft IS/MND. This document provides a response to comments received on the Draft IS/MND for the Hearn Veterans Village Project (SCH # 2021050149) and explains that in lieu of preparing a Final IS/MND the City of Santa Rosa prepared an Addendum to the certified Roseland Area/ Sebastopol Road Specific Plan and Roseland Area Annexation Projects EIR (2016 FEIR).

### **1.1. CEQA REQUIREMENTS**

Consistent with CEQA requirements, the City of Santa Rosa has reviewed and considered all comments received on the Draft IS/MND. Although CEQA does not require the lead agency to prepare a response to public comments received on a Negative Declaration or a Mitigated Negative Declaration, the City's Local CEQA Guidelines direct that responses shall be provided to comments that raise significant environmental issues and that responses shall be submitted to the decision-making body for consideration along with the environmental document. As such, the City of Santa Rosa has prepared this document to disclose public and agency comments received on the previously circulated Draft IS/MND and to provide responses to those comments. As described herein, the City of Santa Rosa is relying upon an Addendum to the 2016 FEIR to evaluate this project, rather than relying on the IS/MND, although the IS/MND is part of the record supporting the analysis in the Addendum. The Addendum has been prepared under separate cover and will be considered by decision makers prior to acting on the requested project entitlements.

## **2. MASTER RESPONSES TO COMMENTS**

Comments received on the Draft IS/MND from various commenters raise similar themes that are addressed in the following master responses to comments and reflected in the Addendum to the certified Roseland Area/ Sebastopol Road Specific Plan and Roseland Area Annexation Projects EIR prepared under separate cover.

### **2.1. MASTER RESPONSE TO COMMENTS: LEVEL OF ENVIRONMENTAL REVIEW**

Comments received on the Draft IS/MND assert that the level of environmental review is inadequate, specifically arguing that an Environmental Impact Report (EIR) is needed due to the project's potential to result in impacts related to biological resources, transportation and traffic, public services, hydrology and water quality, and noise. As discussed in Section 4 of the Draft IS/MND, consistent with Section 15152 of the CEQA Guidelines, the environmental analysis prepared for the Hearn Veterans Village tiers from previously prepared and certified environmental documents including the City of Santa Rosa General Plan EIR (SCH No. 2008092114) and the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation EIR (SCH No. 2016012030).

Furthermore, as discussed in Section 4 of the Draft IS/MND, the project is eligible for a CEQA exemption under CEQA Guideline Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). Specifically, the Hearn Veterans Village project is consistent with the development density established by existing zoning and the General Plan for which an EIR was certified. Pursuant

to 15183(c), environmental impacts have been addressed in the 2016 FEIR and can be substantially mitigated by the imposition of uniformly applied development policies or standards (imposed as environmental conditions of approval). Therefore, pursuant to 15183(e), an additional EIR need not be prepared.

The proposed Hearn Veterans Village project is consistent with the General Plan and the Specific Plan, for which EIRs were prepared that disclosed potential environmental impacts and identified policies, programs, and mitigation to reduce impacts to less than significant levels. Specifically, the project complies with mitigation measures identified in the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation EIR (2016 FEIR) including compliance with the Santa Rosa Plain Conservation Strategy and Biological Opinion for special status species (Measure 3.4.1a), protections for nesting birds (Measure 3.4.1b), and requirement for a wetland delineation and compensatory mitigation (Measure 3.4.2b).

Though the Initial Study determined that the project may be eligible for one or more CEQA exemptions, the City elected to prepare and circulate a Mitigated Negative Declaration, which contains a site-specific analysis of the project, disclosure of potential impacts, and mitigation measures, including those contained in prior EIRs. Additionally, publication of the Draft IS/MND provided the public and regulatory agencies with an opportunity to review and comment on the environmental document. As noted herein, one state regulatory agency, the California Department of Fish and Wildlife (CDFW) issued a comment letter which states that with implementation of identified measures and CDFW's recommendations, the project would avoid significant impacts on biological resources. All recommendations provided by CDFW have been imposed on the project.

As part of the response to comments effort, the City reviewed CEQA Guidelines Section 15168, which governs the preparation and use of program EIR's, such as the 2016 FEIR, which encompasses approximately 714 acres of southwest Santa Rosa, including the subject Hearn Veterans Village project site. The City determined that the Hearn Veterans Village Project would not result in any significant environmental impact not examined in the 2016 FEIR, since all impact issues identified were previously evaluated in the 2016 FEIR. As such, no subsequent EIR is required. Accordingly, in lieu of preparing a Final IS/MND, the City of Santa Rosa has prepared an Addendum to the certified Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation EIR (2016 FEIR).

The Addendum to the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation EIR prepared for the Hearn Veterans Village Project is available under a separate cover and demonstrates the project's consistency with the findings of the certified EIR, identifies mitigation measures from the EIR that are applicable to the project and imposes compliance through environmental conditions of approval, and documents that the project will not result in any new or more severe impacts relative to what was identified in the certified EIR. Therefore, no further CEQA analysis, including the preparation of an EIR, is warranted.

## **2.2. MASTER RESPONSE TO COMMENTS: ENVIRONMENTAL DOCUMENT PUBLIC REVIEW PERIOD**

Comments received on the Draft IS/MND request that the Planning Commission issue a 30-day extension to the public review period in order to prepare an independent biological review. In accordance with CEQA and the CEQA Guidelines, the Draft IS/MND prepared for the Hearn Veterans Village project was circulated for a 30-day public review period from May 7, 2021, to June 7, 2021, which provides public agencies, organizations, and private individuals an opportunity for review and

comment. The Draft IS/MND and technical studies were posted to the City of Santa Rosa's website, and information to access the environmental review documents was included in the Notice of Availability and Notice of Intent mailed to all property owners within 600 feet of the project site. Materials were also posted to CEQAnet, the State's portal for publishing and circulating CEQA documents. The Planning Commission was scheduled to hear the item on June 10, 2021. At that public hearing, the Hearn Veterans Village Project was continued to a date uncertain in order to provide staff time to review and respond to public comments. The Planning Commission will consider the project along with the CEQA Analysis (Draft IS/MND, Response to Comments, and Addendum to the 2016 FEIR) at a future public hearing. Notice of the Planning Commission public hearing on the project will be published in accordance with City practice. The City believes that ample opportunity for public comment has been and will continue to be provided. See also Master Response to comments below regarding Biological Resources.

### **2.3. MASTER RESPONSE TO COMMENTS: BIOLOGICAL RESOURCES**

Comments assert that the Biological Resource Assessment, and the Supplemental Biological Resource Assessment prepared for the project are inadequate. As discussed in detail in the Draft IS/MND, the project site is located within the Santa Rosa Plain Conservation Area for which several plans, including the Santa Rosa Plain Conservation Strategy Plan, Recovery Plan, and Reinitiation Plan have been prepared and provide regulatory guidance to protect listed plant and animal species within the Santa Rosa Plain. The plans seek to balance various conservation and development goals including mitigation of potential adverse impacts associated with development, conservation and recovery of listed species and their associated habitat, protection of public and private land use interests, and support for the authorization of incidental take of listed plant and animal species which may occur as a result of various types of development in the Plain area. The two main considerations for project sites located in the Santa Rosa Plain include the State and federally-listed California tiger salamander (CTS), and the three federally and state-listed vernal pool plants including Sonoma Sunshine, Burke's Goldfields, and Sebastopol Meadowfoam, which are located throughout the Santa Rosa Plain area.

The Hearn Veterans Village project site is identified in the Santa Rosa Plain Conservation Strategy Study Area as an area for "potential future development." Furthermore, as discussed in Section 3.1 of this response to comments document, the CDFW is responsible for commenting on projects that have the potential to impact fish, plant, and wildlife resources. CDFW is responsible for reviewing permits under the California Endangered Species Act, Lake and Streambed Alteration Program, or other provisions of the Fish and Game Code.

The CDFW is the regulatory agency with jurisdictional authority over sensitive communities and special status species. CDFW reviewed the Draft IS/MND and biological resources studies and concluded that with recommendations provided by the Department, the project would avoid significant impacts on biological resources. Furthermore, the project is a fully regulated activity subject to discretionary review and approval by the CDFW and the USFWS due to the presence of suitable habitat for special status species including through consultation with the USFWS and an Incidental Take Permit from the CDFW, as described in the Draft IS/MND. Mitigation measures identified in the Draft IS/MND requires best management practices, avoidance, and compensatory means to minimize, reduce, and offset potential impacts to biological resources including through compliance and implementation of all provisions set forth by regulatory agencies through the permitting process. All mitigation measures from the Draft IS/MND, applicable measures from the certified EIR, and recommendations from CDFW

have been identified as environmental conditions of approval in the Addendum documentation and will be imposed on the project.

As stated in the comment letter submitted by CDFW, the project avoids significant impacts on biological resources including through incorporation of CDFW recommendations. Adequate review of biological resources has been conducted, including through consultation with the CDFW, and is reflected in the Addendum to the EIR prepared for the Hearn Veterans Village Project.

Responses regarding biological resources are further supported by Wildlife Research Associates (WRA) response to comment letter contained in Attachment C-2.

The following sections further address comments related to nesting and migratory birds, onsite wetlands, California Tiger Salamander, and the Roseland Creek Riparian Corridor.

### **2.3.1 Nesting and Migratory Birds**

Comments state that the project will result in significant impacts to nesting and migratory birds as a result of construction activities onsite and that proposed mitigations are inadequate to address these impacts. Impacts to nesting and migratory birds were previously analyzed in the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation EIR. As set forth in the Addendum to the EIR prepared for the Hearn Veteran Village Project and the identified environmental conditions of approval, the project is required to comply with COA BIO-5 to avoid or minimize impacts to nesting birds including requirements for pre-construction surveys when construction activities occur during the bird nesting season, establishment of appropriate disturbance-free buffer zones in the event that nesting birds are identified, monitoring of active nests, and restriction of construction within an established buffer zone until after the nesting season has ended or it has been determined by a qualified professional that the young have fledged. This condition implements Mitigation Measure 3.4.1b identified in the EIR, which calls for pre-construction surveys prior to construction and identifies provisions to follow if an active bird nest is found.

As such, the Addendum appropriately concludes that with applicable EIR mitigation imposed as environmental conditions of approval the project will not result in new or more severe impacts to nesting or migratory birds relative to what was identified in the EIR.

### **2.3.2 Wetlands**

Comments assert that the site contains vernal pools, which are identified as critical habitat for special status plant and animal species within the Santa Rosa Plain including Sonoma Sunshine, Burke's Goldfields, Sebastopol Meadowfoam (vernal pool plants), and breeding habitat for the California tiger salamander (CTS). As noted in the Biological Resource Assessment prepared for the project, the site contains two seasonal wetlands and a jurisdictional drainage ditch along the West Hearn Avenue frontage, all of which were evaluated to determine their potential to provide habitat for the aforementioned species.

As discussed in detail on page 40 of the Draft IS/MND there are two seasonal wetlands totaling 525 square feet at the northwest and southwest portions of the site that will be retained by establishing a 20-foot non-disturbance buffer. The CEQA Analysis concludes that construction activities occurring proximate to the seasonal wetlands could result in indirect impacts to wetlands if not properly protected, and as such the project is required to implement avoidance measures and best management practices during construction to ensure the seasonal wetlands are protected.

As noted in the Draft IS/MND, rare plant surveys conducted consistent with United States Fish and Wildlife Service (USFWS) protocol confirmed that vernal pool plants were in bloom at reference site during the surveys conducted at the project site, however, no rare plants were observed onsite during the appropriately timed surveys. Additionally, due to the size and depth of the seasonal wetlands (small and shallow) ponding of water does not occur and as such does not provide suitable breeding habitat for CTS. Due to the lack of vernal pool plants, water depth and retention, as well as the presence of plant species not typically associated with vernal pools within the seasonal wetlands, the project site, including the two seasonal wetlands, do not support vernal pool habitat. Furthermore, the project will retain the seasonal wetlands with a 20-foot non-disturbance buffer on the site. Based on the negative rare plant survey results and the proposal to retain the seasonal wetlands onsite it can be reasonably concluded that the project will have a less than significant impact on special status plant and animal species by way of removal of critical vernal pool habitat. As such, no further discussion or analysis on this topic is warranted.

### **2.3.3 California Tiger Salamander**

Comments assert that the environmental review does not adequately address the project's impacts to CTS. As discussed above, the project site does not contain vernal pools that would support CTS breeding habitat. Furthermore, as discussed in the Draft IS/MND (pages 40-42), due to the small size and shallow depth of the seasonal wetlands onsite, ponding of water does not occur and as such does not provide suitable breeding habitat for amphibians, including CTS. Similarly, ponding of the linear drainage feature along West Hearn Avenue does not retain water long enough to provide breeding habitat. As there is no suitable breeding habitat onsite, the project will not result in impacts to CTS as a result of removal of breeding habitat and no further discussion or analysis on this topic is warranted.

The site does, however, support upland habitat for CTS. As discussed, the site is within the Santa Rosa Plain Area for which several plans and mitigation strategies have been prepared. Though the project has the potential to result in the "take" of CTS, such actions have been analyzed in previous EIRs and mitigation measure 3.4.1a from the 2016 Specific Plan and Annexation EIR has been imposed on the project, as environmental conditions of approval BIO-2 and BIO-3, consistent with the Santa Rosa Plain Conservation Strategy Plan and the Recovery Plan. Furthermore, as noted above, the project is subject to review and approval including the issuance of an ITP from the CDFW and compliance with all provisions therein. The Addendum documents that the project would not result in any new or more severe impacts to CTS relative to the analysis presented in the EIR. No further analysis or mitigation is warranted.

### **2.3.4 Riparian Corridor**

Comments state that the project site is located within a riparian corridor as shown on a map entitled *Riparian Corridor Combining Zone Planning Area 5 Santa Rosa and Environs*, published by the Sonoma County Permit and Resource Management Department (Permit Sonoma).<sup>1</sup> As provided therein, the map is intended for illustrative purposes only and is not suitable for site-specific decision making, noting that further analysis is required to draw parcel-specific conclusions. Furthermore, the map pre-dates the Santa Rosa Citywide Creek Master Plan, which discusses the channelization of Roseland Creek, the extent of which is shown in Southern Santa Rosa Map 1 of the Master Plan.<sup>2</sup> As shown therein, Roseland Creek is not located on any portion of, nor immediately adjacent to, the Hearn

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<sup>1</sup> <https://sonomacounty.ca.gov/PRMD/Regulations/Riparian-Corridors/Santa-Rosa-and-Environs/>, accessed May 2021

<sup>2</sup> <https://srcity.org/DocumentCenter/View/13788/Southern-Santa-Rosa-1>, accessed May 2021

Veterans Village site. Furthermore, a site-specific analysis was conducted for the project, and it was determined that no riparian corridors or associated habitat is located onsite. Therefore, the CEQA analysis adequately characterizes the biological setting of the project site and no further discussion or analysis on this topic is warranted.

#### **2.4. MASTER RESPONSE TO COMMENTS: ZONING REGULATIONS AND W. HEARN AVE. ANNEXATION CONSISTENCY**

Comments assert that the project is inconsistent with the applicable zoning regulations and the West Hearn Avenue Neighborhood annexation. As stated on page 3 of the Draft IS/MND, the project site has a General Plan Designation of Very Low Density Residential (0.2-2.0 dwelling units per acre) and is in the Rural Residential (RR-20) Zoning District and Rural Heritage Combining District (-RH). Pursuant to the City's residential district land uses and permit requirements, supportive housing uses are permitted by-right within the RR-20-RH Zoning District, meaning no use permit is required. As specified in Chapter 20-22.040, Table 2-3 the minimum lot size within the RR-20 Zoning District is 20,000 square feet and provides for one dwelling unit and one accessory dwelling unit per parcel. As discussed in detail throughout the Draft IS/MND and specifically in Section 7.11 (Land Use and Planning) the project complies with all applicable zoning regulations. Furthermore, as discussed in Chapter 4 of the Draft IS/MND the project is consistent with the development densities established by the existing General Plan and zoning designations for the area which were adopted as part of the City of Santa Rosa's prior review in conjunction with the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation Project. Specifically, pursuant to Section 20-22.040 of the Santa Rosa City Code, areas designated as RR-20 are permitted to have one dwelling unit plus one second unit. The project proposes a four-lot subdivision and construction of one primary dwelling unit and one accessory dwelling unit on each lot. As such, the project has been determined by the City of Santa Rosa to be consistent with the applicable zoning designations including the West Hearn Avenue Neighborhood Annexation. In addition to complying with prescriptive development standards set forth in the Santa Rosa City Code, the proposed project is generally compatible with the established character of the West Hearn Avenue Neighborhood and residential subdivisions in the immediate vicinity in that the project will introduce a low-density development with similar massing, setbacks, height, and architectural design as surrounding one- and two-story single-family residences. No further analysis is required.

### **3. PUBLIC COMMENTS AND RESPONSES**

Agencies, organizations, and individuals that have submitted written comments to the City regarding the environmental review document prepared for the Hearn Veterans Village Project are listed below.

- A. California Department of Fish and Wildlife, May 27, 2021
- B. Members of the Public
  - 1. Moore, June 2, 2021
  - 2. Lewis, June 3, 2021
  - 3. Madrone Audubon Society, June 6, 2021
  - 4. Moosman, June 7, 2021
  - 5. Lozeau Drury, June 7, 2021
  - 6. Greenberg, June 10, 2021
  - 7. Radich, June 7, 2021



C. CHSC Applicant Team

1. Community Housing Sonoma County, July 16, 2021
2. Wildlife Research Associates, July 21, 2021

**3.1. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE COMMENT LETTER AND RESPONSES**

The California Department of Fish and Wildlife (CDFW) is a Trustee Agency with responsibility under CEQA for commenting on projects that have the potential to impact fish, plant, and wildlife resources. Additionally, CDFW serves as a Responsible Agency in the event that discretionary approvals are required for a project, such as permits under the California Endangered Species Act (CESA), Lake and Streambed Alteration Program, or other provisions of the Fish and Game Code. CDFW's comment letter concludes that, with incorporation of CDFW recommendations the project avoids significant impacts on biological resources. Comments provided by CDFW on the Hearn Veterans Village Project are summarized below, and the full comment letter can be found at Attachment A.

**Comment #1: Regulatory Agency Requirements**

**Comment #1a.** CDFW states that the requirement for an Incidental Take Permit (ITP) is unclear, and requests that clarification be added to Mitigation Measure BIO-3 specifying that the project obtain a CESA ITP from CDFW for impacts to California tiger salamander (CTS) prior to construction and comply with all ITP requirements.

**Response #1a.** The Draft IS/MND discloses that the project will be subject to regulatory agency review and approval including the requirement for a 2081 ITP from the CDFW due to the presence of suitable upland habitat for CTS and the potential for occurrence of CTS onsite (pages ii, 7, and 44, section 7.4 (a-b) of the Draft IS/MND). Specifically, Mitigation Measure BIO-3 of the Draft IS/MND states that as directed by "the Fish and Game Code, Incidental Take Permit (ITP) provisions shall be implemented during project construction to avoid or minimize potential impacts of the project to the special-status CTS individuals that have the potential to occur or migrate onsite." To provide further clarification regarding the requirements for an ITP, as requested by the CDFW, the corresponding environmental condition of approval (COA BIO-4 as identified in the Addendum) specifies that: *"Prior to commencement of project construction, an Incidental Take Permit (ITP) or similar incidental take authorization approval, if required, shall be obtained from both the CDFW and the USFWS as prescribed in Section 2081 subdivision (b) of the Fish and Game Code and Section 10 of the Endangered species Act, respectively."*

**Comment #1b.** The commenter advises that the CDFW ITP habitat mitigation requirements may differ from the mitigation ratios prescribed in the Santa Rosa Plain Conservation Strategy.

**Response #1b.** As discussed in 7.4 (a-b) of the Draft IS/MND under paragraph three of the subheading *California Tiger Salamander* a 2:1 mitigation ratio to offset the loss of critical habitat for CTS was identified as applicable to the project as it is greater than 500 feet, but within 2,200 feet of a breeding population or habitat for CTS. The 2:1 mitigation ratio is consistent with the ratios set forth in the *Conservation Strategy* and *Programmatic Biological Opinion*. To address the comment raised by CDFW, Mitigation Measure BIO-2 of the Public Draft IS/MND, now COA BIO-3 of the Addendum states that mitigation credits shall be purchased at a Service/CDFW-approved mitigation bank at a 2:1 ratio from a mitigation bank that is within the Critical Habitat for the species, unless different mitigation ratios are identified by the Service/CDFW during the ITP review process. At a minimum, mitigation credits

will be required to comply with the 2:1 ratio for a minimum of 4.02-acres of mitigation credits, unless different mitigation is required by regulatory agencies.

**Comment 1c.** CDFW notes that mitigation measures should clearly state that the project shall obtain authorization from the United States Fish and Wildlife Service (USFWS) for impacts to CTS and suitable habitat for federally listed plants.

**Response #1c.** As discussed in response 1a, above and as further described in the Draft IS/MND, the project is subject to Endangered Species Act consultation and is required to comply with USFWS regulations with regard to impacts to CTS and critical habitat. As such, this comment is acknowledged. Additionally, as discussed in 7.4 (a-b) of the Draft IS/MND under the subheading Special-status Plant Species, none of the three special-status plant species with the potential to occur onsite were observed during appropriately timed rare plant surveys. Furthermore, though the two seasonal wetlands onsite were identified as potential habitat for special-status plant species, the potential for occurrence was identified as low due to the relatively small size of the wetland areas, isolated nature, and lack of associated vernal pool plants. Furthermore, as proposed by the project, the wetlands will be retained and a 20-foot buffer from the wetlands will be established and maintained. As such, the CEQA Analysis concludes that like the EIR findings, impacts to special-status plants will be less than significant due to lack of suitable habitat for federally listed plants onsite and 2 years of negative rare plant surveys.

#### **Comment #2: Burrowing Owl**

The commenter notes that the Draft IS/MND indicates burrowing owl habitat is not present at the project site based on a habitat assessment which did not detect suitable burrows. The commenter states that the site is within the wintering distribution for burrowing owl as well as in and adjacent to grassland that may be suitable foraging and wintering habitat for the burrowing owl. Additionally, the commenter states that although suitable burrows were not identified during the April 2021 habitat assessment, suitable burrows may be excavated onsite within a single day and prior to construction, providing the opportunity for occupation by burrowing owl. In addition, the commenter provides information on the nearest documented occurrences of burrowing owl from the project site (6 miles southeast and 8.1 miles northwest).

The commenter recommends that based on the potential for burrowing owl to move onto the site prior to project construction, a habitat assessment, and survey if habitat is present for burrowing owl, be conducted prior to project activities occurring during the burrowing owl wintering season from September 1 to January 31.

#### **Response to Comment #2: Burrowing Owl**

As discussed in the Biological Resource Setting section under the subheading *Special-Status Animal Species* on page 42 of the Draft IS/MND, based on initial feedback provided by CDFW during early consultation, a burrowing owl survey of the project site was conducted by a qualified biologist in April of 2021 and included as Attachment A-1 to the Draft IS/MND. Consistent with CDFW's recommendation to further analyze the potential for burrowing owl to occur on and adjacent to the project site, the Addendum includes language related to burrowing owl in the Biological Resource Setting section under the subheading *Special-Status Animal Species*. The discussion presented in section 7.4 (a-b) of the Biological Resources chapter of the Addendum clarifies that the project site is located within the wintering distribution of burrowing owl, as well as within and adjacent to grasslands that may provide suitable foraging and wintering habitat for the species. Clarifying language specifies

that although burrowing owl detection surveys conducted in April 2021 for the project did not identify the presence of suitable burrows or evidence of burrowing owls onsite, given that suitable burrows to support burrowing owl may be excavated by certain species within 24-hours, there is a potential that burrowing owls could occupy the site prior to construction activities. In accordance with the recommendation provided by the CDFW, an avoidance measure, Environmental Condition of Approval BIO-6, will be imposed on the project, and this measure requires a preconstruction habitat assessment and if habitat is identified surveys for burrowing owl prior to construction activities taking place during the burrowing owl wintering season.

**Comment #3: American Badger**

The commenter states that the Draft IS/MND indicates American badger habitat is not present at the project site based on a habitat assessment which did not detect suitable dens or burrows. CDFW advises that grassland habitat on and adjacent to the project site may be suitable for American badger and may come to be occupied by this species as burrows can be excavated within one day. In addition, the commenter provides information on the nearest documented occurrences of American badger from the project site (1.4 miles southwest and 2.1 miles northwest).

Based on the potential for badgers to occupy the site prior to project construction, the CDFW recommends that preconstruction surveys for American badger occur on and adjacent to the site and that measures be included to avoid occupied burrows and prepare and implement a CDFW-approved relocation plan if badgers are identified.

**Response to Comment #3: American Badger**

As discussed in the Biological Resource Setting section under the subheading *Special-Status Animal Species* on page 42 of the Draft IS/MND, based on initial feedback provided by CDFW, a site-specific survey of the project site for American badger was conducted by a qualified biologist in April of 2021 and included as Attachment A-1 to the Draft IS/MND. Consistent with CDFW's recommendation to further analyze the potential for American badger to occur on and adjacent to the project site, the Addendum includes language regarding the American badger. Clarifying language specifies that although detection surveys conducted in April 2021 for the project site did not identify the presence of American badger dens, burrows, or evidence of species occurrence, given that American badgers are known to occur in the vicinity and may move on to the project site prior to construction, there is a potential that the site could become occupied. In accordance with the recommendation provided by the CDFW, an avoidance measure, Environmental Condition of Approval BIO-2, will be imposed on the project, which requires preconstruction surveys for the American badger prior to start of construction activities. With the clarification added to the CEQA Analysis and implementation of the recommended avoidance measure, added as COA BIO-2, the project will have a less than significant impact to American badger, in the event that the project site was to become occupied by this species prior to construction.

**Comment #4: Environmental Data**

The CDFW comment letter concludes with a statement that as required by CEQA, any special-status species and natural communities detected during project surveys shall be reported to the California Natural Diversity Database (CNDDDB).

**Response to Comment #4: Environmental Data**

This comment is acknowledged, and any special-status species or natural communities detected during project surveys will be reported to the CNDDDB as required.

### 3.2. PUBLIC COMMENTS AND RESPONSES

The following section includes a summary of comments received by individual members of the public, identified by the commenter's last name. Comment letters received from members of the public can be found in Attachment B of this document. Comments provided on the merits of the project are not required to be addressed in this response to comments document, which has been prepared to address substantive comments raised on the Draft IS/MND. Comments that have been received by multiple commenters on similar themes are responded to through Master Response to Comments, which are presented above in Section 2 of this document. Responses to individual comments unique to each commenter are addressed below.

#### 3.2.1 Moore Comment Letter

A comment letter from Leonard Moore was received by the City on June 4, 2021, addressed to the Planning Commission, City Council, and City staff. The Moore Letter raises comments on the MND, Tentative Parcel Map, and Application. The full Moore comment letter can be found at Attachment B-1. In addition to the comments addressed below, Master Responses to several items raised in the Moore letter are presented in the Master Response to Comments above in Section 2 as follows:

- An Environmental Impact Report should be prepared for the project;  
*2.1. Master Response to Comments: Level of Environmental Review*
- The commenter requests a 30-day extension of the public review period for the IS/MND  
*2.2. Master Response to Comments: Environmental Document Public Review Period*
- The Mitigated Negative Declaration and Biological Resources Report are inadequate;  
*2.3. Master Response to Comments: Biological Resources*
- The IS/MND does not adequately address impacts to nesting birds;  
*2.3.1. Master Response to Comments: Biological Resources, Nesting and Migratory Birds*
- The project will result in impacts to vernal pools  
*2.3.2. Master Response to Comments: Biological Resources, Wetlands*
- The IS/MND does not adequately address impacts to California tiger salamander;  
*2.3.3. Master Response to Comments: Biological Resources, California Tiger Salamander*
- The project does not comply with regulations related to development along riparian corridors;  
*2.3.4. Master Response to Comments: Biological Resources, Riparian Corridor*
- The project is inconsistent with the West Hearn Avenue Neighborhood annexation;  
*2.4. Master Response to Comments: Consistency with Applicable Zoning Regulations and West Hearn Avenue Annexation*

**Comment #1:** The commenter states that the proposed site plan does not demonstrate how it will comply with applicable drainage standards.

**Response #1:** As discussed in 7.10 (Hydrology and Water Quality) of the Draft IS/MND, a project would be considered to have a significant impact under CEQA if it would substantially alter the existing drainage pattern on the site or area. As further discussed in the impact analysis related to drainage patterns, runoff, and storm drain capacity, the project will comply with all applicable standards set forth by the City of Santa Rosa to ensure the project will not substantially increase the rate or amount of surface runoff as compared to existing conditions. Furthermore, the project will not substantially

alter the existing drainage pattern on the site and will be required to comply with the Low Impact Development (LID) Technical Design Manual to ensure that the project will not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. As such, compliance with applicable drainage standards imposed by the City of Santa Rosa in accordance with the Standard Urban Storm Water Mitigation Plan are sufficient to ensure that potential impacts related to drainage are avoided.

**Comment #2:** The commenter asserts that the project does not comply with Santa Rosa City Code Section 20-42.060 (community care and health care facilities).

**Response:** As discussed in 7.11(b) of the IS/MND, the project will result in a less than significant impact due to a conflict with a land use plan, policy, or regulation. As detailed therein, the proposed project is not considered a community care or health care facility as defined by the City of Santa Rosa as it will provide permanent housing for veterans and will operate similarly to a supportive housing use or single-family use, both of which are permitted by right in the RR-20 residential district and are not subject to the requirements of Section 20-42.060 of the city code. See also 2.4 Master Response to Comments.

### 3.2.2 Lewis Comment Letter

A comment letter from Clark Lewis was received by the City on June 3, 2021, addressed to City staff, and expressing opposition to the project. The Lewis Letter includes comments regarding the project merits and adequacy of the MND. The full Lewis comment letter can be found at Attachment B-2. In addition to the comments addressed below, Master Responses to several items raised in the Lewis letter are presented in the Master Response to Comments below in Section 3 as follows:

- The commenter requests a 30-day extension of the public review period for the IS/MND;  
*2.2. Master Response to Comments: Environmental Document Public Review Period*
- The Mitigated Negative Declaration and Biological Resources Report are inadequate;  
*2.3. Master Response to Comments: Biological Resources*
- The commenter states that the project will severely impact wetlands.  
*2.3.2. Master Response to Comments: Biological Resources, Wetlands*
- The project is not within the context of the West Hearn Avenue Neighborhood annexation;  
*2.4. Master Response to Comments: Consistency with Applicable Zoning Regulations and West Hearn Avenue Annexation*

**Comment #1:** The commenter asserts that the project will result in a substantial increase in population density.

**Response #1:** As discussed in Section 7.14 (Population and Housing), the project will result in less than significant impacts with regard to substantial unplanned population growth as the proposed project is consistent with the development potential anticipated by the General Plan 2035 population projections and the slightly reduced (due to the change from Low Density to Very Low Density Residential) population projections of the Roseland Specific Plan and Annexation project (as analyzed in the corresponding EIR's prepared for the General Plan and Specified Plan). Population density is not considered an environmental impact, rather CEQA addresses project impacts with regard to substantial unplanned population growth. Development of the Hearn Veterans Village site as

proposed is consistent with the established land use and zoning regulations. As such, no further analysis of the project's population density is warranted.

**Comment #2:** The commenter asserts that the project will result in environmental changes and that the IS/MND does not account for the environmental ecosystem of the site and the area.

**Response #2:** The project has been fully analyzed consistent with CEQA and reviewed for consistency with the City and regional planning efforts including the Santa Rosa Plain Conservation Strategy, Santa Rosa General Plan EIR and the 2016 FEIR, which evaluated environmental impacts, changes and affects to the ecosystem within the planning area including the subject Hearn Veterans Village Project site. The CEQA Analysis identified applicable mitigation measures from the 2016 FEIR and demonstrated compliance through imposing measures as environmental conditions of approval. Additionally, through consultation with the CDFW, recommended avoidance and minimization measures have been imposed and further support the 2016 FEIR conclusion that impacts to ecosystems will be less than significant. The CDFW as the state agency with regulatory authority over sensitive communities and special status species notes in their comment letter on the Draft IS/MND that in part through implementation of CDFW's recommendations, the project avoids significant impacts on biological resources. Furthermore, as discussed in the master response to comments above, the project is consistent with two program-level Environmental Impact Reports (EIRs) including the General Plan EIR and the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation EIR. As such, the environmental changes and resulting effects on the environmental ecosystem as a result of the project have been adequately addressed and no further analysis is required. See also 2.3 Master Response to Comments: Biological Resources.

### 3.2.3 Madrone Audubon Society Comment Letter

A comment letter from the Madrone Audubon Society was received by the City on June 6, 2021, addressed to City staff. The Letter states opposition to the project and provides comments regarding the City's Climate Emergency, allowed zoning and density, rural character, and biological resources. The full comment letter from the Madrone Audubon Society can be found at Attachment B-3. In addition to the comments addressed below, Master Responses to several items raised in the letter are presented in the Master Response to Comments above in Section 2 as follows:

- The Project would negatively impact Biological Resources;  
*2.3. Master Response to Comments: Biological Resources*
- The project would alter the rural neighborhood of W. Hearn Avenue and is inconsistent with the residential density designation;  
*2.4. Master Response to Comments: Consistency with Applicable Zoning Regulations and West Hearn Avenue Annexation*

**Comment #1:** The commenter requests that the development proposal be viewed through the lens of the City of Santa Rosa's Climate Emergency.

**Response #1:** The Draft IS/MND, Section 4.5 Santa Rosa Climate Action Plan (page 24), describes the City's record of climate regulation including the qualified Climate Action Plan, adopted by the City of Santa Rosa on June 5, 2012, and the recently adopted Resolution No. RES-2020-002 declaring a climate emergency. Consistent with the requirements of Santa Rosa, the project prepared the Climate Action Plan Checklist (Appendix E) demonstrating compliance with mandatory and voluntary items.

Furthermore, the project will be subject to the most recent California Building and Energy Code, which requires an all-electric building design. As a four-lot subdivision on an identified rural residential site the proposed project does not conflict with the City's declaration of a Climate Emergency. Rather, the project supports the goals of the Climate Emergency by proposing an all-electric development within the Urban Growth Boundary on an infill site surrounded by established residential uses.

**Comment #2:** The commenter states that the W. Hearn Avenue neighborhood is distinctly rural, and the project would alter the rural neighborhood.

**Response #2:** The Draft IS/MND consistently describes the rural setting of the project site including on page 3, which states that the "site is zoned Rural Residential and is within the Rural Heritage Combining District (RR-20-RH) which is intended to recognize, preserve, and enhance Santa Rosa's rural communities and applies to properties within rural residential areas near the city limits." Section 7.1(c) Aesthetics of the Draft IS/MND analyzes the project's potential to substantially degrade the existing visual character of the site and its surroundings. The analysis concludes that the project would not conflict with the established character of the neighborhood and would have less than significant impacts due to degraded visual character because the proposed subdivision is consistent with the established densities and zoning regulations including setbacks, lot size, lot coverage, and building height. As with the conclusion of the 2016 FEIR, the CEQA Analysis for the Hearn Veterans Village notes that the project would alter the site from its existing undeveloped condition by introducing residential development at the scale and density allowed for pursuant to the General Plan and the Roseland Area Specific Plan and Annexation Area.

**Comment #3:** The commenter disagrees with the statement on page 22 of the Biological Resources Report that the project area is within a "highly urbanized environment," and states that this an attempt to minimize biological resources onsite.

**Response #3:** The Biological Resources Report's characterization of the site on page 22 as being located within a "highly urbanized environment" refers to the area generally surrounding the project site and does not indicate an intent to minimize biological resources onsite. Rather, the Biological Resources Report builds on the regional understanding of sensitive communities, identifies several potentially significant impacts of the project, and describes the environmental setting in detail beginning on page 13, under the header Biological Site Conditions, and characterizes vegetation communities and wildlife habitats onsite. The environmental setting is presented in the Draft IS/MND, which on page 40, states that "the site is undeveloped and consists of native and non-native grasslands, forbs, trees, and shrubs, and two seasonal wetlands comprised of 525 square feet combined." The Draft IS/MND consistently describes the character of the project site and vicinity as rural and discloses that the project has the potential to result in direct and indirect impacts to special status species. Furthermore, the environmental setting and biological context is further established in several City and regional documents including the Santa Rosa Plain Conservation Strategy, the City's General Plan and EIR, and the 2016 FEIR. Contrary to the commenter's assertion, there is no attempt to minimize, mislead or otherwise provide inaccurate information regarding the site's biological resources.

### 3.2.4 Moosman Comment Letter

A comment letter from Paul Moosman was received by the City on June 7, 2021, addressed to City staff. The Moosman Letter expresses concern regarding the proposed development of the Hearn Veterans Village and states disagreement with components of the IS/MND. The full Moosman

comment letter can be found at Attachment B-4. In addition to the comments addressed below, Master Responses to several items raised in the Moosman letter are presented in the Master Response to Comments below in Section 2 as follows:

- The proposed development conflicts with the Rural Heritage Zoning.  
*2.4. Master Response to Comments: Consistency with Applicable Zoning Regulations and West Hearn Avenue Annexation*
- The Project would impact the local ecosystem and flora and fauna on the site.  
*2.3. Master Response to Comments: Biological Resources*

**Comment #1:** The commenter disagrees with the finding that the development will not impact the level of light/light pollution in the area.

**Response #1:** As described in the CEQA Analysis, the project site is located in an area planned for rural residential development and is surrounded by existing residential uses and roadways. The 2016 FEIR determined that impact due to the introduction of light and glare would be less than significant, though new development would introduce new sources of light associated with residential uses, parking, street lighting, and vehicles. The City's Zoning Code Section 20-30.080 regulates outdoor lighting in new development and the project will be required to meet the standards established therein. As such, the project will not result in a substantial impact on light pollution in the area.

**Comment #2:** The commenter expresses concern that the project will impact traffic patterns, risks to pedestrians, cyclists, and other vehicles.

**Response #2:** As described in the CEQA Analysis, the project will add vehicle, pedestrians, and cyclists trips to the existing circulation network. As a small 4 lot subdivision, the volume of trips associated with the project will be negligible relative to the existing volume of trips and the planned trip generation associated with the General Plan and Specific Plan. The project proposes to retain a pedestrian pathway that currently extends through the project site providing non-vehicular access between West Hearn Avenue and Park Meadow Drive. This pathway provides an alternative travel route for new residents onsite and to residents in the neighborhood in lieu of using West Hearn Avenue, a rural street that lacks shoulders, curbs, and sidewalks. Park Meadow drive is improved with sidewalks on both sides and connects to Stoney Point Road, which also has sidewalks on at least one side and access to transit, retail, and services in the vicinity. The 2016 FEIR determined that there would be less than significant impacts due pedestrian and bicycle circulation and conflicts with alternative transportation policies and plans. Though new development would contribute trips in the project vicinity, potential impacts to the circulation system would be less than significant.

**Comment #3:** The commenter disagrees with the finding that the project will not degrade the visual characteristic of the neighborhood.

**Response #3:** The Draft IS/MND, Section 7.1(c), describes the project's potential to degrade the visual character or quality of public views of the site and its surrounding. The 2016 FEIR determined that there would be less than significant impacts due to changes in the existing visual character by allowing new development on currently vacant and underutilized parcels. The project site is surrounded by established low residential development to the north and by very low residential development to the east, south, and west. As a residential development project on a vacant/underutilized parcel, within



the area analyzed as part of the 2016 FEIR and consistent with the applicable zoning and land use regulations, there would be no substantial impacts to the visual character of the neighborhood.

### 3.2.5 Kemper Comment Letter

A comment letter from Dixie Kemper was received by the City on June 7, 2021, addressed to City staff and a Council member. The Kemper Letter states opposition to the IS/MND, tentative parcel map to subdivide into 4 lots, and the proposed development. The full Kemper comment letter can be found at Attachment B-5. In addition to the comments addressed below, Master Responses to several items raised in the Kemper letter are presented in the Master Response to Comments above in Section 2 as follows:

- The Project site is located within a Very Low-Density designation and on a heritage street.  
*2.4. Master Response to Comments: Consistency with Applicable Zoning Regulations and West Hearn Avenue Annexation*
- The Project site borders a wetland area and the old Santa Rosa Creek  
*2.3. Master Response to Comments: Biological Resources*

**Comment #1:** The commenter notes that West Hearn Avenue lacks a base foundation, consists of cracks, potholes, and crumbling sides and is not ready to handle the volume of trips generated by the project.

**Response #1:** The commenters observation regarding the current state of the West Hearn Avenue roadway is noted. The 2016 FEIR contemplated development of vacant and underutilized parcels in the planning area including the West Hearn Avenue neighborhood. The City of Santa Rosa Interim Street Standards apply to West Hearn Avenue until such time as a rural street standard is adopted. The project will be required to comply with all frontage improvements identified by the City of Santa Rosa including dedication of right of way. The project is also subject to development impact fees, which fund needed transportation improvements and maintain existing facilities citywide. See also response to comment #2 in section 3.2.4 above.

**Comment #2:** The commenter states that the project density exceeds the amount allowed for a Heritage Street.

**Response #2:** The allowed density of a parcel is determined by the land use designation and zoning, with which as described in detail in Master Response 2.4, the proposed 4-lot subdivision fully complies.

### 3.2.6 Lozeau Drury Comment Letter

A comment letter from the law firm Lozeau Drury on behalf of the West Hearn Residents for Rural Integrity was received by the City following the close of business on June 7, 2021. The Lozeau Drury Letter includes comments provided by Shawn Smallwood, Ph.D. regarding biological resources and asserts that the IS/MND fails to comply with CEQA or adequately analyze and mitigate project impacts, and states that the project does comply with City zoning, nor the rural character of the neighborhood. The full Lozeau Drury comment letter can be found at Attachment B-6. In addition to the comments addressed below, WRA prepared a response to comments addressing biological issues raised, see

Attachment C-2. Further, Master Responses to several items raised in the Lozeau Drury letter are presented in the Master Response to Comments below in Section 3 as follows:

- An Environmental Impact Report (EIR) is required;  
*2.1. Master Response to Comments: Level of Environmental Review*
- The MND fails to adequately analyze and mitigate impacts on biological resources;  
*2.3. Master Response to Comments: Biological Resources*
- The MND fails to establish an accurate baseline for sensitive biological resources;  
*2.3. Master Response to Comments: Biological Resources including master responses provided in 2.3.1., 2.3.2., 2.3.3., and 2.3.4.*
- The project may have significant impact on numerous special-status species;  
*2.3. Master Response to Comments: Biological Resources including master responses provided in 2.3.1., 2.3.2., 2.3.3., and 2.3.4. Also see response to CDFW comments in Section 3.1 above.*
- The project is not consistent with the City's Zoning Code and will change the Character of the Neighborhood;  
*2.4. Master Response to Comments: Consistency with Applicable Zoning Regulations and West Hearn Avenue Annexation*
- The project requires a minor use permit;  
*2.4. Master Response to Comments: Consistency with Applicable Zoning Regulations and West Hearn Avenue Annexation*

**Comment #1:** The commentor states that the project will have significant impact on wildlife movement.

**Response #1:** The proposed project, as a 4-lot residential subdivision located in an area surrounded by established rural residential development, will not have a significant impact on wildlife movement. The 2016 FEIR concluded that impacts associated with interference of movement of native resident or migratory fish or wildlife species or established migratory corridor would be less than significant (Impact 3.4.5). The CEQA Analysis including the supporting Biological Resources Studies similarly concluded that impacts associated with wildlife movement would be less than significant. WRA's response to comment, presented in Appendix C-2, addresses wildlife movement corridors on page 5 and further concludes that the project site has no value as a local wildlife corridor and impacts from project development would not be considered significant.

**Comment #2:** The commentor asserts that the project will have significant impact on wildlife as a result of window collisions.

**Response #2:** As a 4-lot residential subdivision, located in an area surrounded by established residential development, the proposed introduction of two-story homes and accessory dwelling units will not substantially increase window collision risk. WRA's response to comment, presented in Attachment C-2, addresses bird-window collisions. The project includes several design elements that minimize the potential for collisions including window screens and coverings, window glazing, and overhangs. Additionally, window decals can be affixed to the exterior of windows to further minimize collisions risk. Therefore, this impact is considered to be less than significant.

**Comment #3:** The commentor notes that the project will have significant impact on lost reproductive capacity, which has not been analyzed or mitigated.

**Response #3:** The project is proposed on a 2.01-acre site located within an established rural residential neighborhood. All mature trees onsite will be preserved, and new trees will be introduced by the project. The site is identified for rural residential development by the General Plan and impacts associated with development were fully assessed in the program EIR prepared for the General Plan and the 2016 FEIR. Development of the project site, with residential uses as anticipated by City planning documents, will not result in a significant impact on lost reproductive capacity. The project is subject to applicable mitigation measures identified in the 2016 FEIR regarding biological resources, which have been applied as environmental conditions of approval.

**Comment #4:** The commentor asserts that the project may have significant impact on wildlife as a result of house cats.

**Response #4:** Pets, emotional support animals, and service animals are not permitted to roam free. When outside pets must be on a leash or otherwise contained in a carrier. As such there will be no free-roaming cats introduced by the project and accordingly there will be no impacts to wildlife caused by cats. See also response to comments prepared by WRA included in full in Attachment C-2 (page 6 addresses house cats).

**Comment #5:** The commentor states that the MND's conclusion that the project will have no cumulative biological impact is not supported by substantial evidence.

**Response #5:** Since cumulative impacts are addressed in the General Plan EIR and 2016 FEIR, the project level CEQA analysis is not required to include an in-depth discussion of cumulative impacts, and instead provides a focused discussion explaining reliance on the certified program level EIRs that comprehensively address cumulative impacts. The 2016 FEIR addresses cumulative biological impacts in section 3.4.4 and concludes that impacts would be less than significant with mitigation measure 3.4.1a, 3.4.1b and 3.4.2b. The project is subject to the mitigation measures identified in the 2016 FEIR, which are imposed as environmental conditions of approval.

**Comment #6:** The commentor asserts that the project will have a significant energy impact.

**Response #6:** This assertion is false. As a 4-lot subdivision that will comply with the latest California Building Code requirements, the energy expenditure of the project will be negligible. In addition, the project is designed to meet Zero Net Energy standards per the Energy Star for Homes checklist mandated by LEED, which is the highest level of energy efficiency achievable at this time. The new residential buildings introduced onsite, will be among the least-energy-consuming in Sonoma County. Furthermore, compliance with the City's CAP through implementation of mandatory and voluntary measures further minimizes energy demand of new development. Accommodating infill development on vacant and underutilized sites, as would be accomplished by the project, is outlined in Goal LUL-A with the intent of reducing energy consumption while reducing emissions citywide.

**Comment #7:** The commentor asserts that the proposed mitigation measures violate CEQA because there's no evidence that they are effective or feasible, and they constitute deferred mitigation.

**Response #7:** The project is subject to mitigation measures previously identified in the mitigation monitoring and reporting program (MMRP) adopted as part of the 2016 FEIR certification process. Uniformly applied development standards such as compliance with the City's MS4 permit, NPDES requirements, and SWPPP are imposed on the project as conditions of approval. Measures to protect biological resources are informed by identified compensation ratios from the Santa Rosa Plain Conservation Strategy and tailored to incorporate input received from the CDFW regarding avoidance and minimization. All measures have been imposed on the project as environmental conditions of approval. Avoidance, minimization, and offsets through compensatory means are acceptable forms of mitigation, have been demonstrated to be effective, and do not constitute deferred mitigation.

**Comment #8:** The commentor states that the project requires NEPA review.

**Response #8:** Comment noted.

### **3.2.7 Greenberg Comment Letter**

A comment letter from Johanna Greenberg was received by the City on June 10, 2021, addressed to City staff and Council members. The Greenberg Letter comments on the project merits, objects to the urban-like scope and characteristics of the project, disagrees that the proposed use is allowed under the current zoning, and asserts that the project will result in the destruction of a rare and unique ecosystem. The full Greenberg comment letter can be found at Attachment B-7. In addition to the responses presented above, WRA prepared a response to comments letter addressing biological issues raised, see Attachment C-2. Master Responses to several items regarding environmental concerns raised in the Greenberg letter are presented in the Master Response to Comments above in Section 2 as follows:

- The Project requires a Use Permit for supportive housing and conflicts with the RR-RH zoning  
*2.4. Master Response to Comments: Consistency with Applicable Zoning Regulations and West Hearn Avenue Annexation*
- The Project will result in the loss and destruction of animal and plant species and wetlands  
*2.3. Master Response to Comments: Biological Resources including master responses provided in 2.3.1., 2.3.2., 2.3.3., and 2.3.4. Also see response to CDFW comments in Section 3.1 above.*

### **3.2.8 Radich Comment Letter**

A comment letter from Rena Radich was received by the City on June 8, 2021, addressed to Planning Commission and City Council members. The Radich Letter refers to the Lozeau Drury and Shawn Smallwood comments. The full Radich comment letter can be found at Attachment B-8. In addition to the Master Responses, presented above, as well as the responses provided to the Lozeau Drury Comment letter (Section 3.2.6), WRA prepared a response to comments letter addressing biological issues raised, see Attachment C-2.

## **3.3. APPLICANT PREPARED RESPONSES TO COMMENTS**

The Community Housing Sonoma County (CHSC) project team submitted the following written comments to the City providing responses, clarification, and additional information to address comments raised.

### **3.3.1 CHSC Response Letter**

CHSC prepared a response letter addressing some of the comments made on the IS/MND. The letter is contained in full in Attachment C-1. The following summarizes the responses presented in the CHSC letter:

- Inclusion of public pedestrian path between West Hearn Avenue and Park Meadow Drive
- Shifting window placement and orientation and installing window screens at second stories to further obscure views of adjacent properties
- Inclusion of bee, bird, and butterfly friendly landscaping
- Confirmation that CTS mitigation bank credits are available for purchase
- Pet/emotional support/service animal policy provides that pets including cats, must be on leash when outside
- Commitment to Zero Net Energy standard for all new buildings
- Record of neighborhood outreach effort undertaken by CHSC and agents

### **3.3.2 WRA Response Letter**

Wildlife Research Associates (WRA) prepared a response to the Smallwood comment letter included as an Attachment to the Lozeau Drury letter. The WRA letter addresses substantive comments raised on the biological resources analysis and is contained in full in Attachment C-2.

## **4. SUMMARY**

The less than significant conclusion of the Public Draft IS/MND remains valid and is further substantiated by the additional documentation and responses presented herein. The City of Santa Rosa has considered comments provided on the Draft IS/MND, reviewed information developed through the responses-to-comments process including the Addendum to the EIR prepared for the subject Hearn Veterans Village Project, in lieu of preparing a Final IS/MND, and has imposed conditions of approval where appropriate reflective of the mitigation measures identified in the certified 2016 FEIR and recommendations from state regulatory agencies regarding avoidance and best practices.

The City of Santa Rosa will consider the Public Draft IS/MND, together with this Response to Comments document, the Addendum to the 2016 FEIR for the Hearn Veterans Village Project, along with the identified environmental conditions of approval prior to acting on the Hearn Veterans Village Project.



# CITY OF SANTA ROSA HEARN VETERANS VILLAGE

ATTACHMENT A  
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE COMMENT LETTER  
SUBMITTED MAY 27, 2021

PREPARED BY:



Metropolitan Planning Group  
499 Humboldt St  
Santa Rosa, CA 95404

JUNE 2021



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
(707) 428-2002  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

May 27, 2021

**May 27 2021**

## STATE CLEARINGHOUSE

Ms. Monet Sheikhali, City Planner  
City of Santa Rosa  
Planning and Economic Development Department  
100 Santa Rosa Avenue, Room 3  
Santa Rosa, CA 95404  
[MSheikhali@srcity.org](mailto:MSheikhali@srcity.org)

Subject: Hearn Veterans Village MIN21-001, Mitigated Negative Declaration,  
SCH No. 2021050149, Sonoma County

Dear Ms. Sheikhali:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the City of Santa Rosa (City) for the Hearn Veterans Village MIN21-001 Project (project) pursuant the California Environmental Quality Act (CEQA).

CDFW is submitting comments on the MND to inform the City, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed project.

### CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

### REGULATORY REQUIREMENTS

#### California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the project. **The project has the potential to result in take of California tiger salamander (CTS, *Ambystoma californiense*), a listed as threatened species.** Issuance of a CESA ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a



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mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings and a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the project proponent's obligation to comply with CESA.

### **Lake and Streambed Alteration**

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. **The MND indicates that there is a drainage ditch on the northern side of West Hearn Avenue that would be avoided by the project. If the project would impact this drainage or any others, a notification would be required.** CDFW will consider the CEQA document for the project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

### **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Community Housing Sonoma County

**Objective:** Subdivide a 2.01-acre property into four parcels ranging in size from approximately 20,000 to 25,000 square feet and develop four single family homes and an accessory dwelling unit on each lot. Proposed onsite amenities include outdoor recreation such as basketball and horseshoe pits, gathering areas, parking, and landscaping.

**Location:** The project is located at 2149 West Hearn Avenue in the City of Santa Rosa, approximately 0.30 miles west of the intersection of Stony Point Road and West Hearn Avenue. It is on Assessor's Parcel Numbers 134-011-012 and 134-011-013 and centered at approximately 38.411335°, -122.746746°.

**Timeframe:** The project is anticipated to take 12 months to complete.

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City of Santa Rosa  
May 27, 2021  
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## COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist the City in adequately identifying and/or mitigating the project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the project's avoidance of significant impacts on biological resources, in part through implementation of CDFW's below recommendations, CDFW concludes that an MND is appropriate for the project.

***Mandatory Findings of Significance: Does the project have the potential to substantially reduce the number or restrict the range of a rare or endangered plant or animal?***

### Mitigation Measures

#### Comment 1: MND Page 46

The MND Mitigation Measure (MM) BIO-3 implies that the project will obtain a CESA ITP from CDFW for impacts to CTS; however, the requirement for an ITP is unclear. CTS is State listed as threatened; the CTS Sonoma County Distinct Population Segment is also federally listed as endangered. To ensure impacts to CTS are reduced to less-than-significant, CDFW recommends that the MM clearly require that the project shall obtain a CESA ITP from CDFW for impacts to CTS prior to Project construction and comply with all ITP requirements. Please be advised that the ITP's habitat mitigation requirements may differ from the mitigation ratios prescribed in the Santa Rosa Plain Conservation Strategy. The MM should also clearly require that the project shall obtain authorization from the U.S. Fish and Wildlife Service (USFWS) for impacts to CTS and suitable habitat for federally listed plants, and comply with the authorization.

***Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?***

### Environmental Setting

#### Comment 2: MND Page 48 and Appendix A-1

**Issue:** The project is within the wintering distribution of burrowing owl (*Athene cunicularia*) and within and adjacent to grasslands that may be suitable foraging and wintering habitat for the species (Klute et al. 2003). The MND indicates that burrowing owl habitat is not present at the project site based on a habitat assessment conducted in April 2021 that did not detect suitable burrows. However, suitable burrows may be excavated within a single day by, for example, American badger (*Taxidea taxus*) (Ministry of

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Environment Ecosystems 2007 as cited in Brehme et al. 2015). Therefore, burrowing owls could occupy the project site or adjacent habitat prior to project construction.

The California Natural Diversity Database (CNDDB) documents a burrowing owl approximately 6 miles southeast of the project site and 8.1 miles to the northwest, confirming the species has occurred in the vicinity of the project site and could use it and adjacent habitat.

**Specific impacts and why they may occur:** The project may result in reduced health and vigor, or mortality, of owls resulting from removal of wintering burrows, or wintering burrow abandonment caused by audio and visual disturbances from project construction activities. Burrowing owl is a California Species of Special Concern and protected under Fish and Game Code sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act (Klute et al. 2003). Therefore, project impacts to burrowing owl would be *potentially significant*.

**Recommendation:** For an adequate environmental setting and impact analysis, and to reduce impacts to less-than-significant, CDFW recommends that the MND: (1) further analyze the potential for burrowing owl to occur on and adjacent to the project site, and (2) include a mitigation measure requiring a qualified biologist to conduct a habitat assessment, and surveys if habitat is present, following the California Department of Fish and Game (now CDFW) *2012 Staff Report on Burrowing Owl Mitigation* (CDFW 2012 Staff Report) habitat assessment and survey methodology (see <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>) prior to project activities occurring during the burrowing owl wintering season from September 1 to January 31. The habitat assessment and surveys shall encompass the project site and a sufficient buffer zone to detect owls nearby that may be impacted. Time lapses between surveys or project activities shall trigger subsequent surveys, as determined by a qualified biologist, including but not limited to a final survey within 24 hours prior to ground disturbance before construction equipment mobilizes to the Project area. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 survey methodology resulting in detections.

Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a "take" avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions, and completed before project construction. It shall also include placement of a conservation easement and preparation and implementation of a long-term management plan.

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**Comment 3:** MND Page 49 and Appendix A-1

**Issue:** The MND indicates that American badger habitat is not present at the project site based on a habitat assessment conducted in April 2021 that did not detect suitable dens or burrows. The project is located within and adjacent to grassland habitat that may be suitable for American badger. As stated above, badgers can dig burrows in a single day; therefore, the species may occupy the project site and adjacent habitat prior to project construction. There is a CNDDDB record of a badger approximately 1.4 miles southwest of the project site, and 2.1 miles to the northwest. These records confirm the species has occurred in the vicinity of the project site and could use it and adjacent habitat.

**Specific impacts and why they may occur:** The project may result in injury or mortality to adult or young badgers, or burrow abandonment. American badger is a California Species of Special Concern. Therefore, project impacts to American badger would be *potentially significant*.

**Recommendation:** For an adequate environmental setting and impact analysis, and to reduce impacts to less-than-significant, CDFW recommends that the MND: (1) further analyze the potential for American badger to occur on and adjacent to the project site, and (2) include mitigation measures to ensure impacts are reduced to less-than-significant. These measures may include a qualified biologist surveying for the species including adjacent habitat prior to construction, avoiding occupied burrows including a sufficient buffer approved by CDFW, and preparing and implementing a CDFW-approved relocation plan if badgers are found on or adjacent to the project site. Off-site habitat compensation shall be required for any impacts to occupied habitat. Habitat compensation acreages shall be approved by CDFW and completed before project construction. It shall also include placement of a conservation easement and preparation and implementation of a long-term management plan.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form, online field survey form, and contact information for CNDDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CNDDDB/submitting-data>.

## **FILING FEES**

The project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by

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CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs., tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

## CONCLUSION

To ensure significant impacts are adequately mitigated to a level less-than-significant, CDFW recommends the feasible mitigation measures described above be incorporated as enforceable conditions into the final CEQA document for the project. CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Melanie Day, Senior Environmental Scientist (Supervisory), at [Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov); or Mr. Craig Weightman, Environmental Program Manager, at [Craig.Weightman@wildlife.ca.gov](mailto:Craig.Weightman@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
BE74D4C93C604EA...  
Gregg Erickson  
Regional Manager  
Bay Delta Region

ec: State Clearinghouse (SCH No. 2021050149)  
Vincent Griego, U.S. Fish and Wildlife Service, [Vincent.Griego@fws.gov](mailto:Vincent.Griego@fws.gov)

## REFERENCES

- Brehme, C.S., S.A. Hathaway, R. Booth, B.H. Smith and R.N. Fisher. 2015. Research of American Badgers in Western San Diego County, 2014. Data Summary prepared for California Department of Fish and Wildlife and the San Diego Association of Governments. 24pp. (42pp. with Appendix)
- Klute, D. S., L. W. Ayers, M. T. Green, W. H. Howe, S. L. Jones, J. A. Shaffer, S. R. Sheffield, and T. S. Zimmerman. 2003. Status Assessment and Conservation Plan for the Western Burrowing Owl in the United States. U.S. Department of Interior, Fish and Wildlife Service, Biological Technical Publication FWS/BTP-R6001-2003, Washington, D.C.



# CITY OF SANTA ROSA HEARN VETERANS VILLAGE

## ATTACHMENT B PUBLIC COMMENT LETTERS

B-1: MOORE COMMENT LETTER, SUBMITTED JUNE 2, 2021  
B-2: LEWIS COMMENT LETTER, SUBMITTED JUNE 3, 2021  
B-3: MADRONE AUDUBON SOCIETY COMMENT LETTER, SUBMITTED JUNE 6, 2021  
B-4: MOOSMAN COMMENT LETTER, SUBMITTED JUNE 7, 2021  
B-5: KEMPER COMMENT LETTER, SUBMITTED JUNE 7, 2021  
B-6: LOZEAU DRURY COMMENT LETTER, SUBMITTED JUNE 7, 2021  
B-7: GREENBERG COMMENT LETTER, SUBMITTED JUNE 10, 2021  
B-8: RADICH COMMENT LETTER SUBMITTED JUNE 8, 2021

PREPARED BY:



Metropolitan Planning Group  
499 Humboldt St  
Santa Rosa, CA 95404

August 2021

## **B-1: MOORE COMMENT LETTER**

My name is Leonard Moore. I live at 2215 West Hearn Ave., which is two parcels to the West of the proposed project at Hearn Veterans Village (2149 W. Hearn Ave in Santa Rosa).

### **ABOUT THE APPLICATION**

This proposal by the applicant is ridiculous. It does not consider or respect the nature of this neighborhood, the environmental ecosystem here, or the context of the annexation agreement we had with the City to restrict big development and protect this special environment.

This project will create an over-concentration that will severely impact this vernal pool environment and is not in line with our very low density RR-RH combined use protections.

This is too large a development for this street and creates a disproportionate burden for this neighborhood. Our current zoning is very low density residential 0.2-2 units/acre per the annexation agreement of 2016.

If the applicant scales back the number of additional beds to no more than 15 (for a total of 30 beds on-site), fewer buildings, no two-story structures and less square footage then this would be more akin to the nature of this street, where most houses are 1000-1200 sq. ft. single-story, single-family homes.

We all support our veterans and have supported the 15 veteran beds already existing on this site with relatively few issues. What we are against is a City/urban high density community care facility in a Rural Heritage zoned neighborhood on a tiny rural street, that overburdens this neighborhood and destroys valuable, rare ecosystems and wildlife habitat.

### **ENVIRONMENTAL ISSUES**

It is our position that the MND and supporting documentation submitted by the applicant (including the Biological Resource Assessment) as severely deficient.

We are asking the Planning Commission for a 30-day extension in order to file an independent biological review and continued Public Commentary.

We ask that the Planning Commission consider this independent review before making their final decisions regarding the adoption of the applicants Tentative Parcel Map and Mitigated Negative Declaration.

There are at least three nesting pairs of White-tailed Kites that have established themselves for many years on our street. We currently have two nests of White-tailed Kites in the pine trees on the Western side of our property and one nest of Red-shouldered Hawks on the pine tree in our southern corner, all within approximately 200 feet of the applicant's site. The third pair of White-tailed Kites nests to the East of the Hearn Veterans Village site at 2075 West Hearn Ave.

This MND does not fully mitigate impacts to special-status species. These raptors cover a fairly large territory and hunt over my property, the applicant's property, and the open space to the north of us.



We also have a lot of birds under observation, as they are declining in population. We have sightings on our property of many bird species including Oak Titmouse, Bewick's Wren, Nuttall's Woodpecker, California Quail, Wild Turkey, Western Bluebird, California Towhee, and many others.

As the White-tailed Kites and Bewick's Wren are in the immediate vicinity, these are representing birds seeking to nest in the area because of the ecosystem and existing circumstances.

We also have Red and Grey Foxes that have been sighted on our properties and along the seasonal creek on the West side of the applicant's parcel. We have seen Arboreal Salamanders on several properties, and there have been historical sightings of the California Tiger Salamander in this area. There is so much life here which needs to be respected and protected.

There is absolutely no way mitigation credits will compensate for the damage to this environment and the habitat for these creatures. Paying mitigation fees is not acceptable. These environs need to be protected.

Nesting White-tail Kites located on 2215 West Hearn Ave 05-24-2021



Red-shouldered Hawk, located at 2215 West Hearn Ave., 01-10-2020





Possibly a type of Fence Lizard, located at 2215 West Hearn Ave., 03-19-2019



The fire access road (designated as an extension of Park Meadow Drive in the site plan) is for fire safety. It is also extensively used as a walking path for neighborhood residents. Converting this into a parking lot only accessible from West Hearn Avenue will increase traffic much more than this dilapidated street can handle. The street is in terrible disrepair and has dozens of potholes directly in front of the applicant's site.

The applicant will need to be directed to repair the road up to the City Interim Street standards set by the annexation agreement of 2016, or they must only have access from Park Meadow Drive with bollards kept in place on West Hearn Avenue as they are now.

There is a seasonal creek existing along this emergency access road. The proposed site plan does not show drainage and how this drainage will comply with CEQA standards for run-off.

Incorporating a berm to channel run-off to Park Meadow Drive, or especially towards West Hearn Avenue, will not be acceptable.

Setbacks to this seasonal creek must be added to the site plan. The City Planning Commission needs to direct the applicant to add setbacks.

Furthermore, it is not clear that the proposed site plan addresses ORD-2020-003 requirements such as Creekside development, setbacks and Design Guidelines for Riparian Corridors and Storm Drainage.

The reason we fought hard for the creation of our Rural Heritage zoning is that environmental water preservation issues, like urban storm drains and paving, would channel water away from our Riparian Corridor and out of the area. Any paving would increase the runoff causing more damage to the ecosystem. An important part of what is working with our -RH zoning, land use, and street standard is that our groundwater is being recharged directly. During heavy rain seasons our neighborhood does not flood. It does what it is supposed to do: water soaks into the ground and recharges the aquifers, and also prevents drought in the dry season.

An EIR must be provided and paid for by CHSC. Additionally, I would like to note the following:

a. Wetlands and wildlife disturbance - We only have less than 10% of vernal pool wetlands left in Sonoma County, one of the most unique ecosystems in the world. These vernal pools are vitally important to prevent flooding, fire, and drought in the area.

b. Native animals and plants will be disrupted, and habitat will be destroyed. Native Oaks, Tiger Salamander, Meadowfoam, clarkia species, actively nesting Western Kites, Hawks and Owls of all kinds, all exist in this area. This street is essentially a wildlife corridor and 'soft boundary' between the urban boundary, open space, and the extensive Fish and Wildlife properties surrounding it.

c. Traffic, parking, sewage, drainage, noise, activity by patients, guests and support staff, medical personnel - All are not supported by the current state of this tiny street and infrastructure. To expand the number of beds to 47+, according to this site proposal, is insanity. This would double the population of the entire street by this singular parcel!

The City cannot allow one developer to completely wipe out a unique ecosystem that this neighborhood has tried to protect for decades by allowing a development of this scale to move forward. Any development has to fit the very low density that the rest of our residents adhere to and respect.

To buttress our argument, Sonoma County has these rare vernal pool ecosystems, which West Hearn Ave. is a critical part of. With less than 10% left of these ecosystems, we need to be building up and repairing these systems, instead of building on, paving, and further destroying them at the very moment when we most need the protections that these vernal pools give us - meaning drought and fire mitigation, flood protection, and maintenance of groundwater aquifers. This size of project is inappropriate for this street and its community.

## **ZONING ISSUES**

CA Government Code section 65651, states:

“(a) Supportive housing shall be a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed housing development satisfies all of the following requirements...”

This is only applicable to zones where multifamily housing is permitted, which is not the case in our rural residential zone.

Hearn Ave. is zoned RR -RH. It is zoned for single-family homes, not multi-family R-1 or R-3. According to CA Government code 65651, Multi-family zoning is required in order to develop supportive housing.

This application should be rejected on this basis alone. The City Planner has stated in communications to us that this supportive housing project is allowed. We will contest this as the City codes clearly identify RR zoning as single-family, whereas R-1 and R-3 are multi-family. Where in the zoning code does it say multi-family is allowed in RR zones?

Most of the parcels on this street are ½ to 1 acre in size, with only a few exceptions – the applicants property and mine. We have small family farms here on West Hearn Ave. raising sheep, goats, chickens, pigs, cows and horses. This is as rural as it gets while still being in the City.

The City Council may remember that during the Roseland Annexation process in 2015-2016, the island of West Hearn was extremely vocal about protecting our Riparian corridor, zoning, and land use.

In my comments on record from a City Council meeting (Sept 8th, 2016 I believe), I and many of my neighbors (38 out of 48 properties having signed a petition presented to the Council) advocated for the approval of amendments to the City Zoning Code, General Plan and Annexation Specific Plan as recommended by our City Planners. These amendments were the result of good faith negotiations which had taken place over about a year and a half, between our neighborhood and City Planning, specifically Jessica Jones and Chuck Regalia. They have helped protect many of the most important aspects which have made West Hearn Ave continue to be a unique and special place.

These amendments included a Rural Heritage (-RH) Combining District (Santa Rosa City ordinance 20-28.090), Very Low Density RR-20 Residential Land Use (0.2-2 units per acre), and several other provisions which matched the zoning, environmental and agricultural land use that we previously had within the County of Sonoma, and allowed us to preserve our local character, protect the habitat of our Riparian corridor, and supported our quality of life which we absolutely needed to maintain in our unique neighborhood. This effort and agreement was what galvanized our support for the annexation in 2016.

The density and environmental impact of this project proposal goes completely against what our entire neighborhood fought to protect during those Annexation negotiations a few years ago. If approved, this project severely undermines these protections and would additionally demonstrate the City is acting in bad faith towards a previously settled matter.

We spent two years negotiating in good faith. The Rural Heritage -RH combined use designation was part of the success of those negotiations. If the Planning Commission approves this project, then the City is effectively renegeing on their commitment to respect the unique nature of this neighborhood and its surrounding wildlife.

This project does not comply with City zoning code 20-42-060. It will create an over-concentration of these facilities within our rural neighborhood and does not follow the code requirements regarding the mitigation of or avoiding any adverse effects of the facilities upon surrounding properties.

It equally does not comply with the spacing and concentration clause C1, as it would create a grouping of facilities in conflict with the locations of 10 adjacent properties on both West Hearn Avenue and Park Meadow Drive:

"No proposed community care/health care facility shall be located closer than 300 feet in all directions from any other community care facility, as measured from any point on the exterior walls of both structures. In no case shall a residential parcel be directly abutted by community care facilities on two or more sides."

We already have another facility at 2297 West Hearn Avenue, housing residents with mental disorders in addition to Hearn House.

The over-concentration clause C2 which would also indicate that this project should be denied:

"The over-concentration of community care/health care facilities in an area shall constitute cause for the denial of a Minor Conditional Use Permit, where it is determined that over-concentration will not be mitigated by conditions that might be imposed upon the Minor Conditional Use Permit and other measures instituted by the applicant."

Of primary concern to this neighborhood is density and equitable distribution of services across the City and County. Adding 32 additional units to the 15 current beds on a tiny rural street is a disproportionate burden to the surrounding properties. To date, there has been no fair share analysis relating to this over-concentration issue. Environmental impacts would be hugely disproportionate and detrimental to this vernal pool area. The amount of parking to support such a large facility (visiting family members, friends, medical and emergency personnel parking notwithstanding) is an additional burden. It is also inappropriate to approve a project of this scale in a vulnerable wetlands area such as we have in this case.

In this current proposal, CHSC is not following the Rural Heritage Zoning and Land Use designation with this project. 47 individuals plus visitors/service/medical personnel on one lot conflicts with the established nature of this neighborhood and the protections we had established during the Annexation process in good faith with the City.

In researching whether the State Department of Housing and Community Development (HCD) has in their Housing Element Law and Fair Share Analysis provisions, I'd add the following from TITLE 7 [ARTICLE 10.6. Housing Elements \[65580 - 65589.11\]](#):

In section d, 2nd clause: "Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080."

## APPLICANT ISSUES

The audacity of this applicant to propose this project, after being directed in 2016 by the County Board of Supervisors that they must do their due diligence in reaching out to the neighboring community is unconscionable.

This applicant has a history of acting in bad faith, misrepresenting what this project really is: a financial boon to CHSC at the expense of the heritage and character of this neighborhood, and the natural habitat that this neighborhood supports.

A little background information would be helpful in appreciating our issues with CHSC and this project:

In 2016, Paula Cook and the organization where she has been its Executive Director, Community Housing Sonoma County, had applied for a 3-phase Tiny Homes project with the County Board of Supervisors. The first two phases had been approved and funded by the County previous to this proposal. The 3rd phase involved appropriating funding and approval from what I understood at that time to be both the County and Santa Rosa City, and moving the current 14 units (at 665 Russell Ave) to the Hearn House property while building up to 32 tiny homes alongside the original 15 bed facility.

A Board of Supervisors meeting occurring on May 8th 2016 (video record: [http://sonoma-county.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=784&meta\\_id=242365](http://sonoma-county.granicus.com/MediaPlayer.php?view_id=2&clip_id=784&meta_id=242365)) had on the agenda the presentation and discussion of the phase 2 and 3 components of this tiny homes project. Many of us showed up to this Supervisors meeting to speak against the approval of this project. The majority of our Hearn Ave residents are against this.

At the time that the phase 2 funding was approved during this meeting, there were concerns by several of the Supervisors regarding costs in addition to a stipulation that Ms. Cook do her due diligence and reach out to the residents of Hearn Ave and surrounding properties.

Some of Ms. Cook's comments in her presentation to the Board of Supervisors were the following statements, "We have really moved forward in good faith to try and make this a meaningful place to live and a very innovative place." and "You're going to get a lot of media attention for this." Following comments by Supervisor Gorin about the expense per unit and the cost being quite a bit more expensive and a significant investment for 14 units (\$115K to move each unit and return original site to original state, moving 14 units and building 18 more), Ms. Cook responded, "I have a really good level of confidence in our ability to build out the site, move the units, make the county happy, make the city happy and try and leverage as I said earlier that media attention."

It is my position that Ms. Cook seems more interested in media coverage and in the potential income from the high volume of HUD-VASH vouchers than in providing a complete and well defined proposal that truly serves the needs of this highly vulnerable population of homeless veterans, respecting the importance of the surrounding ecosystem, and cooperatively engaging with the surrounding properties who will be impacted the most by this project.



The Board of Supervisors directed Ms. Cook to reach out to the community. There had been zero communication from CHSC or Paula Cook for five years. No reach-out. No discussion. The first instance of reach-out came in the form of an email from Susan Barnes on or about April 6<sup>th</sup> of this year, approximately a week before the neighborhood meeting of April 12<sup>th</sup>.

This applicant has not shown any interest in working with our neighborhood and has been negligent in reaching out to us over the last 5 years. The applicant clearly wants to make a tremendous amount of money from this venture at the expense of our community. CHSC and Paula Cook are not serving Veterans. They are simply serving themselves.

This proposal by CHSC is substandard. It offers no standard of care and no structure for what the daily life of the veterans living there will look like. There is nothing about using any type of "best practices" approach to helping them - not even an indication that a standard of accountability of care is provided, when compared not only to what other providers are providing in a similar culture, as an expected standard of care.

In our consultation with mental health professionals, this particular veteran population that has had issues with homelessness, mental health, and/or substance abuse is highly vulnerable and the highest risk. Many suffer from a chronic relapsing brain disorder and need a higher level of support. And yet to expect high risk veterans to not make a commitment to sobriety a mandatory condition for having the opportunity of being in their own home - even a 12-step program is very clear, as participants don't get anything until they agree to sobriety. As long as they are working their program, they get support. In using the term "permanent supportive housing" in the one-page proposal, CHSC does not supply the linkage "to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community" (see. <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb745memo042414.pdf>) that would normally be associated with establishing criteria for how these permanent residents will be able to continue living in this facility and get the support they need to succeed.

To expect those veterans suffering from chronic relapsing brain disorder will act independently enough to take public transportation to access the most important mental health and life skill services is really unrealistic. And at their level of functioning (or rather the lack of it), standard of care would point more to a system similar to an intensive outpatient care facility.

There are no indications in the proposal that there are enough services/structures onsite for therapy, given the remote location features and the standard of care dictating that daily, structured, monitored activities and therapeutic interventions are necessary for integrating vets back into mainstream society. This location is too far from services (Hospitals, urgent care, even grocery stores), and there is no description at all in the half-page proposal stating what kind of medical facilities will be in place to handle these veterans and their special needs.

On Monday, May 10<sup>th</sup> I asked Paula Cook and Susan Barnes to respond to several outstanding questions I and many of my neighbors had regarding these issues. As of this date (June 1<sup>st</sup>) there has been zero response. Not even a confirmation of receipt of my questions. Nothing.

These questions were originally presented to Monet Sheikhal, who responded that these were questions to be answered by CHSC. I am including these here in the hopes that you will direct CHSC to provide answers to you so it is on the record.

May 10<sup>th</sup>, 2021

Hi Paula and Susan,

Please provide answers to the following questions that Monet has determined are for you to answer. I'm respectfully requesting a timely response (within a week), in order to forward this information to our neighborhood for review and commentary before the expiration of the 30-day deadline:

**The only other information provided by the applicant on the project website along these lines of defining what this type of housing will be is the following paragraph: "Veterans will be referred to Hearn Veterans Village through the Sonoma County Coordinated Entry System (CES). As a part of CHSC's obligations to the veterans and to lenders, all veterans will be offered a robust array of supportive services identified by the veteran and the veteran's case manager to assist the veteran to meet the goals set in the veteran's Individual Services Plan." What, exactly, are CHSC's obligations by providing this type of housing? What are they allowed and not allowed to do?**

**Who decides who gets to live in this permanent supportive housing? How are they vetted? Can they get permanent supportive housing if they have a criminal record? Drug and alcohol addiction? Mental health conditions (PTSD, Chronic Relapsing Brain Disorder, Chronic Homelessness, etc.)?**

**The Veteran's Administration has a Comprehensive Environment of Care standard when it comes to health services for Veterans. The applicant does not clarify their role in maintaining this higher standard of care, and a review performed by a mental health professional on our behalf, of this applicant's proposals regarding this site (2016-present day) found the following: "This particular Vet population, the highly vulnerable, the highest risk, suffer from a Chronic relapsing brain and need a higher level of support." "The current plan fails to even remotely demonstrate how it is going to make them accountable when their brains chronically relapse." "A Standard of Care is a standard of accountability of care, provided when compared not only to what is legally and ethically expected, but also compares to what other providers are providing in a similar culture, as an expected standard of care." "Also, there are not enough services / structure on site for therapy and spending idle time, given the remote location features and the standard of care dictating that daily, structured, monitored activities and therapeutic interventions are necessary for integrating Vets back into mainstream society."**

**Is CHSC incorporating "best standard practices" to create true healing? If so, how? Who is responsible for monitoring and managing the health and welfare of these Veterans living at this site?**

**What are the conditions where a Veteran could be terminated from their ability to remain on the property?**

**What are the compliance issues with organizations such as CHSC that provide Veterans housing and the strict guidelines involved with this higher standard of care?**

**West Hearn Ave. is far away from services that these Veterans will need such as urgent care (2.2 miles), hospitals (4.6 miles), even the closest grocery store is 1.6 miles away. For a care facility such as this, what is required as far as how close they need to be to access the services they need?**

**Are the homeless veterans residents working folks? Will each person therefore have a car? how will 47 vehicles plus staff vehicles, fit into this property?**

As I mentioned before, **we support our veterans**. This proposal does not outline any details at all about how these vulnerable individuals who have sacrificed for our nation will be supported. Even the website for CHSC describing the Hearn House project does not provide any details regarding the kind of care these veterans deserve.

My position is that CHSC has been negligent in their efforts to the community, misleading to the Board of Supervisors and the City, and has mismanaged this project by delivering substandard proposals to the City/County lacking proper detail, and has been wasteful in its use of allocated funds designed to support our homeless veterans within this County.

## PROPOSED SOLUTIONS

We understand the need for housing and the pressure upon the City to provide such housing. But there is also the need for balance. This project goes against the character of this rural heritage neighborhood and its environmental importance to the City.

What the applicant is proposing would plop an urban “apartment complex” appearance and character right into our rural neighborhood and we very strongly oppose this. We are not trying to prevent them from building on their property and are willing to negotiate something reasonable and more in character with what we have here. It is this proposal by the applicant which is unreasonable.

Again, If the applicant developed a project more in line with the nature and density of this heritage neighborhood, many of our residents would be willing to work with this. Something more like 2-3 single-story houses (including the existing buildings) and no more than 15 additional residents total which, when adding in the existing 15 beds, brings the total density of this site to 30 beds plus staff.

Adding these one or two additional units, according to many of our neighbors, would possibly be acceptable (depending upon the number of additional beds proposed and whether CHSC reaches out at all to the neighborhood with any proposals or good faith discussion).

In the event an agreement cannot be reached, a better site would be something like having the City lease space on Corporate Parkway, where there are medical facilities close by like the urgent care clinic, the new VA Center being built, the Kaiser building, Dialysis centers, and the Fire Station. This is more appropriate to better serving the Veteran’s needs and providing the appropriate access to services.

With climate change being upon us, the City must also seriously consider and respect how our Heritage neighborhood is doing our part to combat drought and extreme climate events.

On our property, we are doing permaculture and regenerative practices to restore our soil, retain more water in the ground for longer periods of time and rebuild wildlife habitat in our Riparian Corridor. We are sharing this knowledge with our neighbors and working with them to collectively improve our soils and habitat in this region. We would also be happy to assist the Veterans in learning about permaculture, regenerative practices, and how we can heal our soils and ecology through proper stewardship of the land.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read "Leonard Moore". The signature is fluid and cursive, with a large initial "L" and "M".

Leonard Moore  
2215 West Hearn Ave.  
Santa Rosa, CA 95407

## ATTACHMENT B-2: LEWIS COMMENT LETTER

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**From:** CLARK H. LEWIS <[clarklewisjr@comcast.net](mailto:clarklewisjr@comcast.net)>

**Sent:** Thursday, June 3, 2021 7:56 AM

**To:** Sheikhal, Monet <[msheikhal@srcity.org](mailto:msheikhal@srcity.org)>; Wesley, Shannon <[SWesley@srcity.org](mailto:SWesley@srcity.org)>; Licursi, Elizabeth <[ELicursi@srcity.org](mailto:ELicursi@srcity.org)>; [district5@sonoma-county.org](mailto:district5@sonoma-county.org); Alvarez, Eddie <[EAlvarez@srcity.org](mailto:EAlvarez@srcity.org)>

**Subject:** [EXTERNAL] I am opposed to "Hearn Veterans Village" project

My name is Clark Lewis and I live at 2070 West Hearn Ave.

I am opposed to the proposed "Hearn Veterans Village" (2149 W. Hearn Ave in Santa Rosa) due to the extraordinary increase in population density it would bring, the environmental changes it would impose and the fundamental change of character in our neighborhood that would precipitate from it.

The proposed "Hearn Veterans Village" doesn't take into account the nature of this neighborhood, the environmental ecosystem here, or the context of the annexation agreement we had with the City to restrict big development and protect this special environment. By creating an over-concentration that will severely impact this wetlands area environment and which is not in line with our RR-RH combined use protections, this too-large development creates a disproportionate burden for this neighborhood.

We suggest having the Planning Commission issue a 30-day extension in order to file an independent biological review and continued Public Commentary before making their final decisions regarding the adoption of the applicants Tentative Parcel Map and Mitigated Negative Declaration for this project. We believe that the MND and supporting documentation submitted by the applicant including the Biological Resource Assessment are severely deficient.

We all support our veterans and have supported the 15 veteran beds already existing on this site with relatively few issues. What we are against is a City/urban high density community care facility in a Rural Heritage zoned neighborhood on a tiny rural street that overburdens this neighborhood and destroys valuable, rare ecosystems and wildlife habitat. I along with many in our neighborhood would support a maximum of 15 additional beds (for a total of 30 beds on-site), fewer buildings, no two-story structures and less square footage. Right now, most houses in our neighborhood are 1000-1200 sq. ft. single-story, single-family homes and a use-permit that reflected the character of this diverse, agricultural neighborhood makes more sense logistically and politically.

Sincerely,  
Clark Lewis

Hello,

I have questions and comments about the Hearn Veterans Village project proposed for West Hearn Avenue and how, as proposed, it will fit into the character of the neighborhood here where I live.

First, about the definition of this housing. The applicant says that after sub-dividing this parcel the new building will be "permanent supportive shared housing development" and that they don't need a special permit to build this facility.

Given the services they propose for these residents, how are these units defined? If it is defined as Supportive Housing, what are the limits to occupancy per bedroom? If there are no special limits and, as we have been told by City staff, the general allowable occupancy here is 2 persons per bedroom plus 2 more in the house, wouldn't this lead to a 72 person cap on this new additional 'development'? If not, why not? How would the commission explain how 87 people on less than 3 acres (72 new occupancy plus the 15 already living there) in any way aligns with the character and average use of property in this neighborhood? (Notably, the standard here presently is closer to an average of 3 people per lot – we know this because we know our neighbors – so this new 'development' would be wildly out of sync with this neighborhood's density.) Part of the reason this area was zoned this way by the city was because of its different character from the plots around it. Can someone on the commission explain to us how allowing this extraordinary increase in density would keep our zoning meaningful and not allow it to turn into something other than what was promised to us?

Also, who decides who gets to live in this permanent supportive housing? Can they get permanent supportive housing if they have a criminal record? One assumes with the mention of a Security Guard, that they are anticipating needing to maintain order in some extraordinary way. How does the commission explain how this fits into the nature of the neighborhood as it now stands? If this is to be a change in character for the neighborhood, what prompted the need for that change?

What will be done to support these veterans drug and alcohol addiction? Mental health conditions (PTSD, Chronic Relapsing Brain Disorder? How do you intend to make them accountable when their brains chronically relapse? Will there be daily, structured, monitored activities and therapeutic interventions necessary for integrating Vets back into mainstream society and if so, where and how do you anticipate accommodating the continuous extra traffic on West Hearn's small, gutterless road?

Along with many of my neighbors, I am happy to support the veterans that are there, but this extraordinary increase in density and volume of at-risk people within this small area is an unnecessary over-reach. A much smaller additional footprint and density is what is required in order to 'fit into' the character of the neighborhood as the applicant promises to do.

Finally and importantly: the fire access road between West Hearn Ave. and Park Meadow. Three questions: will it still remain a fire access road, even though CHSC now owns it and is proposing having it be a parking lot? This fire access road is critical for West Hearn Ave. What restrictions are in place to keep this road for fire access and not make it a through street? The project website states this parking lot will only be accessible via Park Meadow. How are we to guarantee that West Hearn will be closed to through traffic?

Thanks for your time and answers.

Sincerely,  
Clark Lewis  
2070 W. Hearn Ave





**ATTACHMENT B-3: MADRONE AUDUBON SOCIETY  
COMMENT LETTER**



# **Madrone Audubon Society**

INCORPORATED

**Transmitted by email 06/06/2021**

**To: msheikhali@srcity.org**

June 6, 2021

Monet Sheikhal, City Planner  
City of Santa Rosa  
Planning and Economic Development Department  
100 Santa Rosa Ave., Room 3  
Santa Rosa, CA 95404

**Re: Comment - Hearn Veterans Village**, 2149 West Hearn Avenue, Santa Rosa, Sonoma County, California 95407 (APNs 134-011-012 and 134-011-013) – MIN 21-001, Initial Study/Mitigated Negative Declaration

Dear Ms. Sheikhal:

I write on behalf of Madrone Audubon Society, a 501c3 nonprofit conservation organization and the Sonoma County Chapter of National Audubon. Our organization serves approximately 3000 members in Sonoma County. Our organization is headquartered in Santa Rosa.

We are opposed to the present Hearn Veterans Village proposal and support the community that has organized in opposition to the above-referenced proposal. Our comment considers this inappropriate development proposal and environmental impacts created by this proposal.

We begin with acknowledging the City of Santa Rosa's Climate Emergency, established via Resolution 2020-002, with directions and plans to immediately mobilize and act to restore a safe climate for Santa Rosa residents. That Resolution describes the multiple human activities which have led to the global, national, regional and local climate emergencies that have already led to accelerated ice mass loss, resulting in sea-level rise, as well as species extinction. The Resolution further acknowledges marginalized communities ... people of color, immigrants, indigenous communities, low-income people, those with disabilities, and the unhoused, already disproportionately affected by climate change, who must benefit from a transition to a sustainable and equitable economy.

*Madrone Audubon Society is qualified as an organization recognized under Section 501(c)(3) of the Internal Revenue Code.  
Contributions are deductible by the donor under Section 170. Federal Tax I.D. 94-6172986*

P. O. BOX 1911 • SANTA ROSA, CALIFORNIA 95402  
<http://madroneaudubon.org>

We request the development proposal before you be viewed through the lens of the City of Santa Rosa's Climate Emergency. Every planning decision should result in environmental protection and enhancement, provision of appropriate housing, and balance for communities.

The W. Hearn Avenue neighborhood is **distinctly rural** and was part of Roseland annexed to the City of Santa Rosa. We are informed that members of the W. Hearn Avenue neighborhood negotiated with the City regarding annexation to ensure a residential density designation that would maintain and sustain their neighborhood's special rural character. The existing Veterans Village at 2149 W. Hearn Avenue is consistent with that neighborhood, density and rural character.

We understand residents of W. Hearn Avenue have communicated they would not oppose additional housing for Veterans Village under the current and agreed-upon density and zoning. Such housing would support expanding the Village to serve additional veterans, the character of the neighborhood would not be destroyed, and balance of significantly abundant biological resources in the area could remain and survive.

The Biological Resources report of Wildlife Research Associates and Jane Valerius Environmental Consulting, on p. 22, states:

*The project area is within a highly urbanized environment. The surrounding area is either developed as sidewalk, streets or housing with landscaped yards. The project area is mowed by the property owners in the late spring for fire control. There was no evidence of herbicide use. The vegetation is predominantly non-native species that are common and have mostly naturalized in the landscape. Native species such as oaks, native grasses and a few native forbs were also observed. The site conditions observed during the 2020 survey were the normal conditions for the site.*

This statement, providing the context for the proposed project site, is false. The project site exists in a rural neighborhood. The north property line abuts a recent Santa Rosa apartment complex development, which is separate from the W. Hearn Avenue longstanding neighborhood. This distinction is important, in view of the attempt in the Biological Resources report to minimize biological resources, ranging from native oaks, a combination of non-native and native grassland, open space on W. Hearn Avenue, a nearby seasonal creek with a riparian corridor, and the abundant variety of wildlife, birds and other creatures relying on existing remaining habitat along W. Hearn Avenue for survival. The proposed project site is also located in the Santa Rosa Plain, and in proximity to the North Point open space mitigation site as well as a FEMA mitigation site.

The proposed development, if approved, would completely alter the existing rural neighborhood character of W. Hearn Avenue to an urban environment. The proposed development would occupy the majority of what is now existing open space with seasonal wetlands, native trees and vegetation, and would destroy the balance of existing community character. Biological resources on the site and in the neighborhood would be dramatically negatively impacted.

Any proposal for off-site mitigation should not be considered. In the Climate Emergency declared by the City of Santa Rosa, a conscientious and proactive approach to preserve existing open space with biological resources on-site must be a priority. The days of 1980s planning decisions can no longer apply to housing decisions in Santa Rosa and other communities in Sonoma County. An informed approach to ensure we provide affordable and adequate housing while prioritizing protection and enhancement of our environment must be the new paradigm in planning review and decisions.

We are aware the community group on W. Hearn Avenue provided detailed information about their long-term observations of wildlife, birds and other species that coexist with the rural neighbors of W. Hearn Avenue. The migratory and resident bird nesting that the neighbors document reflects the health and perceived safety of an ecosystem by nesting birds, ranging from Bewick's Wren to White-tailed Kite to Red-Shouldered Hawk. Again, the proposed project site is in the Santa Rosa Plain and conditions are compatible to support California Tiger Salamander in its habitat. If the Community Housing Foundation submits a proposal to expand the existing Veterans Village and provide housing under current zoning and density requirements, the community has expressed interest to help support habitat enhancement and permaculture on the Veterans Village property. Such willingness and cooperation of neighbors is an important component of neighborhood life and harmony.

We encourage the City of Santa Rosa to consider this component as well. Neighbors helping neighbors with appropriate new housing in a community support the fabric of a healthy and vibrant City. In addition and as important, the habitat, wildlife, birds and other species would not be negatively impacted, displaced or destroyed, which directly relates to the City of Santa Rosa's Climate Emergency Resolution.

On behalf of Madrone Audubon Society, I urge you to deny the proposal before you and to encourage the applicant to return to planning. Plan for a reasonable and overall positive enhancement in housing and community life for W. Hearn Avenue.

Sincerely,

*Susan Kirks*

Susan Kirks, President

Madrone Audubon Society, Sonoma County

[susankirks@sbcglobal.net](mailto:susankirks@sbcglobal.net), 707-241-5548



**From:** Alice Hampton <hammoose@sonic.net>

**Sent:** Monday, June 7, 2021 2:49 PM

**To:** Sheikhali, Monet <msheikhali@srcity.org>

**Subject:** [EXTERNAL] Hearn Veterans Village

I'm writing to express my concern regarding the proposed development of the Hearn Veterans Village. This development is too large. The existing W. Hearn Avenue is zoned Rural Residential (RR) AND Rural Heritage (RH), zonings that carry a "very low density rating. I'm writing because the City of Santa Rosa has a unique opportunity with this situation. When looking for information regarding the Rural Heritage designation in the City Code, the W. Hearn Avenue is listed. As far as I know, W. Hearn Avenue is the only area that has a Rural Heritage zoning designation. This is because when this neighborhood was being annexed to the City of Santa Rosa several years ago, my neighbors worked with the City and County of Sonoma to help preserve our unique neighborhood and ecosystem.

Here is where it gets exciting... Because there is no precedent in regards to Rural Heritage zoning, the City of Santa Rosa can make this what they want. Does the City want a project like the Hearn Veterans Village in an area that is designated Rural Heritage? Especially one that does not fit within the nature of the existing neighborhood, or respect and preserve the existing ecosystem, or even what the neighbors want? The development of a vision for what our Rural Heritage zoning designations will look like is an important task, and the City's responsibility. Defining what the City wants in these neighborhoods is similar to what the City of Santa Rosa Cultural Heritage Board provides for, "...undertaking and updating historic inventories or surveys, recommending designation of Landmarks and Preservation Districts, reviewing proposed alterations to historic buildings, and promoting public awareness of preservation issues." (City of Santa Rosa website). The Cultural Heritage Board ensures that these goals are a priority. We need a similar government body, or at least some work on, deciding what our Rural Heritage neighborhoods should look like. We should be "promoting public awareness and preservation issues" in regards to what our Rural Heritage is. This is the job of the City Council members and the Planning Commission.

I also would like to disagree with some of the components of the Initial Study/Mitigated Negative Declaration (MND) document. It is interesting that no one involved in this project thinks that adding thirty-two residents, and an untold number of support and service staff, will make a difference in the traffic patterns or risks to pedestrians, cyclists, and other vehicles. It is also interesting that no one thinks that adding eight new structures to a small lot will impact the level of light/light pollution in the area. It is interesting to me that no one thinks that a project this size, "will not substantially degrade the visual characteristic of the neighborhood". It is interesting to me that no one thinks that the proposed Hearn Veterans Village will impact the local ecosystem and the related flora and fauna on the site. Yes, I understand that with the Rural Residential zoning designation allows for all of these things, even relocating tiger salamanders (if found), but is it what we want? Is it the best for this specific site and proposed development?

Thank you for your time and commitment to undertaking the due diligence necessary to accurately and inclusively, (this includes respecting and incorporating the W. Hearn Avenue neighbors input) make a decision on the development of the Hearn Veterans Village.

Paul Moosman

W. Hearn Avenue neighbor



From: Dixie Kemper <[dkemper1210@gmail.com](mailto:dkemper1210@gmail.com)>  
Sent: Monday, June 7, 2021 2:34 PM  
To: Sheikhal, Monet <[msheikhali@srcity.org](mailto:msheikhali@srcity.org)>  
Cc: Rogers, Natalie <[NRogers@srcity.org](mailto:NRogers@srcity.org)>  
Subject: [EXTERNAL] Hearn Veterans Village

We are opposed to the mitigated Negative Declaration and Tentative parcel map to subdivide a 2.01 acre lot into 4 lots and the development which would follow.

West Hearn Ave is a small (less than 1 mile) Heritage street with a VERY LOW DENSITY designation. The developer has had to purchase an extra parcel which we were told would only be used as an emergency fire for the new development that was going in at the time it was built. This road is now designed to be used as an entrance and parking lot for this new development. It borders a wet lands area and the old Santa Rosa Creek. Hearn Ave. is an old gravel road which has been paved over and lacks a base foundation. At the present time, it is a mess consisting of many cracks, pot holes and crumbling sides; not at all ready to handle cars that 48 new people and the support staff would bring.

There are around 100-120 people now residing on Hearn Ave. in 53 houses. This includes a Level 2 home which includes 5 residence with 3 support staff, a senior living home with 2 residents and 2 support staff. These figures do not include the Veteran's Care building that is already in place on Hearn Ave. (I believe this is a 15 to 17 bed unit). The density level of this development exceeds the amount allowed for a Heritage Street and the rural aspect of our community.

The proposed units are labeled as "single family units." We believe this shows a lack of transparency since the units are to house 12 unrelated veterans per unit. (4 units x 12 veterans = 48). No guidelines have been mentioned for 4 accessory dwellings (more density issues and a total lack of transparency).

Sincerely,  
Mr. and Mrs. Kemper  
Residents on West Hearn Ave.







T 510.836.4200  
F 510.836.4205

1939 Harrison Street, Ste. 150  
Oakland, CA 94612

[www.lozeaudrury.com](http://www.lozeaudrury.com)  
[rebecca@lozeaudrury.com](mailto:rebecca@lozeaudrury.com)

June 7, 2021

***Via Email***

Monet Sheikhal, City Planner  
City of Santa Rosa: Planning and Economic  
Development Department  
100 Santa Rosa Avenue, Room 3  
Santa Rosa, CA 95404  
Phone: (707) 543-4698  
Email: [msheikhal@srcity.org](mailto:msheikhal@srcity.org)

**Re: Public Comment on Initial Study/Mitigated Negative Declaration for Hearn Veterans Village (City Project File # MIN21-001)**

Dear Ms. Sheikhal:

I am writing on behalf of West Hearn Residents for Rural Integrity, including its members living on West Hearn Avenue and in the West Hearn Neighborhood who are concerned about the proposed Hearn Veterans Village Project proposed for 2149 West Hearn Avenue ("Project") and the inadequacy of the initial study and mitigated negative declaration (collectively, "MND") prepared for the Project.

These comments were prepared with the assistance of wildlife expert Shawn Smallwood, Ph.D. Mr. Smallwood's expert comments and resume are attached hereto as Exhibit A. After reviewing the MND together with our expert, it is clear that the document fails to comply with CEQA and fails to adequately analyze and mitigate the Project's impacts. In addition, the Project does not comply with City Zoning, and is not consistent with the rural character of the neighborhood. Without adequate analysis and mitigation, the Project will have a real and significant negative impact on the lives of everyone living in the West Hearn neighborhood, as well as on the biological resources that make the historically rural neighborhood and Santa Rosa what it is.

Accordingly, because of the Project's significant impacts, the City of Santa Rosa ("City") must prepare an environmental impact report ("EIR") to fully analyze the Project's impacts, and to implement additional mitigation measures that ensure protection of the environment and the neighborhood.

## **PROJECT DESCRIPTION**

The Project site is located on a 2.01-acre parcel at 2149 West Hearn Avenue, in Santa Rosa, California. The Project site consists of two parcels (APN 134-011-012; -013). The larger of the two parcels (APN 134-011-012) is developed with a 17-bed transitional housing facility for veterans, including an existing 4,870 square foot building and a 1,405 square foot building. The City is currently processing a lot line adjustment (LLA20-009) for the larger of the two parcels (APN 134-011-012). The lot line adjustment will result in a 1.04-acre parcel for the existing housing facility, which would be operated separately from the proposed Project.

The remainder of the 2.01-acre lot is biologically rich undeveloped land including non-native grassland, native valley oak, coast live oak, arroyo willow, Himalayan blackberries, poison oak, toyon, and coyote brush. Existing trees and shrubs include ornamental fruit trees, magnolia, palm, and walnut. The Project site also contains two vernal pools along West Hearn Avenue at the southwest portion of the site. Directly north of the Project site is an established wetland preserve, the North Point Mitigation Site. Northwest of the Project site is a FEMA conservation site, which is an established habitat preservation area for rare and endangered plants and the California Tiger Salamander breeding and upland habitat.

The Project would subdivide the remaining property into four individual lots ranging in size from 20,000 to 25,000 square feet. The Project includes four six-bedroom detached residential units and four two-bedroom detached accessory dwelling units, one of each type on each proposed lot. Each residential unit includes bedrooms with individual bathrooms and counter space with a sink. A full kitchen, laundry room, living room, dining room, and office space are provided in each unit and will be shared among occupants. The six-bedroom residential units will be two stories, totaling 3,139 square feet, while the ADUs will be 1,008 square feet. For comparison, most homes in the neighborhood are 1,000-1,200 square feet.

This development will provide housing for 32 residents, one onsite property manager, and four peer managers, for a total of 37 new residents, in addition to the 15 people currently residing at the Project site. The Project also includes onsite amenities such as a basketball court, gathering areas, parking, and landscaping.

## **LEGAL BACKGROUND**

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report (“EIR”) except in certain limited circumstances. *See, e.g.*, Pub. Res. Code § 21100. The EIR is the very *heart* of CEQA. *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652. Since “[t]he adoption of a negative declaration . . . has a terminal effect on the environmental review process,” by allowing the agency “to dispense with the duty [to prepare an EIR],” negative declarations are allowed only in cases where “the proposed project will not affect the environment at all.” *Citizens of Lake Murray v. City Council of San Diego* (1982) 129 Cal.App.3d 436, 440. A negative declaration may be prepared instead of an EIR when, after preparing an initial study, a lead agency

determines that a project “would not have a significant effect on the environment.” *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597; § 21080(c). Such a determination may be made, however, only if “[t]here is *no* substantial evidence in light of the whole record before the lead agency” that such an impact *may* occur. *Id.*, § 21080(c)(1) (emphasis added).

A negative declaration is improper, and an EIR is required, whenever substantial evidence in the record supports a “fair argument” that significant impacts may occur. Even if other substantial evidence supports the opposite conclusion, the agency nevertheless must prepare an EIR. *Stanislaus Audubon v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-151; *Quail Botanical Gardens*, 29 Cal.App.4th 1597. The “fair argument” standard creates a “low threshold” favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. *Citizens Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748, 754. As a matter of law, “substantial evidence includes . . . expert opinion.” Pub. Res. Code § 21080(e)(1); 14 Cal Code Regs § 15064(f)(5). An agency’s decision not to require an EIR can be upheld only when there is no credible evidence to the contrary. *Sierra Club v. County of Sonoma*, (1992) 6 Cal.App.4th, 1307, 1318.

Here, substantial evidence indicates that the Project is likely to cause numerous significant impacts for which the City has either failed to identify or offer measures to mitigate those impacts to less than significant levels.

## **I. AN EIR IS REQUIRED BECAUSE SUBSTANTIAL EVIDENCE SUPPORTS A FAIR ARGUMENT THAT THE PROJECT WILL HAVE SIGNIFICANT EFFECTS ON THE ENVIRONMENT**

CEQA contains a strong presumption in favor of requiring a lead agency to prepare an EIR. This presumption is reflected in the fair argument standard. Under that standard, a lead agency must prepare an EIR whenever substantial evidence in the whole record before the agency supports a fair argument that a project may have a significant effect on the environment. Pub. Res. Code § 21082.2; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1993) (“*Laurel Heights II*”) 6 Cal. 4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 75, 82; *Quail Botanical*, *supra*, at 1602.

Under both CEQA and its Guidelines, if a project may cause a significant effect on the environment, the lead agency must prepare an EIR. Pub. Res. Code §§ 21100, 21151; CEQA Guidelines §§ 15064(a)(1), (f)(1). “Significant effect upon the environment” is defined as “a substantial or potentially substantial adverse change in the environment.”<sup>1</sup> Pub. Res. Code § 21068; 14 Cal. Code Regs. § 15382. A project “may” have a significant effect on the

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<sup>1</sup> Under the Guidelines, “significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise and objects of historic or aesthetic significance. . .” 14 Cal. Code Regs § 15382.

environment if there is a “reasonable probability” that it will result in a significant impact. *No Oil, Inc., supra*, at 83, fn 16; *Sundstrom v. City of Mendocino* (1988) 202 Cal.App.3d 296, 309. If any aspect of the project could result in a significant impact on the environment, an EIR must be prepared even if the overall effect of that project is beneficial. 14 Cal. Code Regs. § 15063(b)(1).

A lead agency may elect not to prepare an EIR only when it finds there is no substantial evidence in the initial study, or elsewhere in the record, indicating the project may have a significant effect on the environment. This standard sets a low threshold for requiring preparation of an EIR. If substantial evidence supports a “fair argument” that a project may have a significant environmental effect, the lead agency must prepare an EIR even if it also possesses other substantial evidence that indicates the project will have no significant effects. 14 Cal. Code Regs. § 15064(f)(1); *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Pub. Res. Code § 21082.2(c). Under the CEQA Guidelines, substantial evidence means

enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. . .

14 Cal. Code Regs. § 15384(a).

Substantial evidence supporting a fair argument that a project may have significant environmental impacts can be provided by technical experts or members of the public. 14 Cal. Code Regs. § 15063(a)(3); *Uhler v. City of Encinitas* (1991) 227 Cal.App.3d 795, 805; *Gabric v. City of Rancho Palos Verdes* (1977) 73 Cal.App.3d 183, 199.

Under both CEQA and the Guidelines, an EIR must be prepared when certain types of environmental impacts could result from a project. Pub. Res. Code § 21083(a); 14 Cal. Code Regs. § 15065. In effect, a finding by the lead agency that such conditions exist makes the project’s environmental effects “significant” as a matter of law. Under the Guidelines, an agency *must* find that a project may have a significant environmental effect, and thus prepare an EIR, if, *inter alia*, the possible environmental effects of the project are cumulatively considerable.<sup>2</sup> Pub. Res. Code § 21083(b)(2); 14 Cal. Code Regs. § 15065(c).

Here, substantial evidence presented in this comment letter, and the supporting expert comments, supports a fair argument that the Project will have significant environmental impacts

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<sup>2</sup> “‘Cumulative considerable’ means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects as defined in Section 15130.” 14 Cal. Code Regs. § 15065(c).

on biological resources, cumulative impacts, and other environmental impacts. For these reasons, the City should withdraw the MND and prepare an EIR for the Project.

**A. The MND Fails to Adequately Analyze and Mitigate the Project's Impacts on Biological Resources.**

Expert ecologist Shawn Smallwood, Ph.D., visited the Project site on June 1, 2021 to conduct a wildlife survey, and he has also reviewed the MND's discussion of biological resources, as well as the supporting Biological Resource Assessment. *See* Smallwood Comments, attached as Exhibit A. Drawing on his site visit, as well as his decades of studying and surveying many of the species encountered at the site, Dr. Smallwood has prepared a critique of the MND, pointing out numerous shortcomings in the baseline assessment of the presence of species at the site, failures to evaluate impacts that will result from the Project, and numerous instances where the MND's assertions are insufficient or not supported by substantial evidence. The need for an accurate and thorough analysis of the Project's impacts on biological resources is crucial because the Project site is extremely rich in biological resources.

1. The MND fails to establish an accurate baseline for sensitive biological resources.

Establishing an accurate baseline is the "sin qua non" to adequately analyzing and mitigating the significant environmental impacts of a project. *See* 14 Cal. Code Regs. § 15125(a); *Save Our Peninsula*, 87 Cal.App.4th at 121-123. Unfortunately, the MND's failure to thoroughly investigate and identify the occurrences of sensitive biological resources at the Project site results in a skewed baseline. Such a skewed baseline ultimately "mislead[s] the public" by engendering inaccurate analyses of environmental impacts, mitigation measures and cumulative impacts for biological resources. *See San Joaquin Raptor Rescue Center*, 149 Cal.App.4th at 656; *Woodward Park Homeowners*, 150 Cal.App.4th at 708-711. The MND's failure to acknowledge the abundance of special status species that likely will be adversely affected by the extensive building proposed by the Project means that it "lacks analysis" and "omits the magnitude of the impact" to biological resources. *Sierra Club v. Cty. of Fresno*, 6 Cal.5th at 514. As a result, the MND is insufficient as a matter of law.

An accurate baseline of biological resources was not established, in part because the site assessment itself was completely insufficient. The consulting firm WRA visited the Project site on April 27, 2020 to conduct a reconnaissance-level site visit. Biological Assessment, p. 13. The Biological Resources Assessment ("Biological Assessment") prepared for the MND is based off of this site visit. The Biological Assessment notes that "[t]he reconnaissance-level site visit was intended only as an evaluation of on-site and adjacent habitat types, and no special status animal species surveys were conducted as part of this effort." *Id.* Dr. Smallwood explains that there are numerous problems with the Biological Assessment, with the result being that it does not provide an accurate environmental setting and masks numerous potentially significant impacts to biological resources.

First, the Biological Assessment does not report even the most basic information about the site visit conducted by WRA that would allow a reader to understand the rigor and focus of the survey, including how long the biologists were on the site and what time of day the survey took place. Smallwood, p. 9. Other than reporting the date of the survey and how biologists walked the site (“meandering”), no additional information is provided. *Id.* The omission of these basic details regarding methodology, together with the substantive results, led Dr. Smallwood to question the WRA biologists’ ability to detect wildlife or assess habitat of multiple special-status species. *Id.*

Dr. Smallwood visited the site for less three hours, yet merely from observing via the perimeter of the site he observed 34 species of vertebrate wildlife, seven of which were special-status species. *Id.* at pp. 1 to 2. While the Biological Assessment does not disclose how long the site visit lasted, WRA’s two biologists had direct access to the Project site, and together observed only seven species of wildlife, and no special-status species. *Id.* at 9. Said another way, WRA’s two biologists detected only one fifth of the species detected by Dr. Smallwood in just three hours. *Id.* Dr. Smallwood hypothesizes: “Perhaps the two visiting biologists were not experienced with wildlife, or perhaps they were focused on plants or soils, but for whatever reason they did not see more than a tiny fraction of the wildlife community that uses the site.” *Id.* Given the insufficient site visit, Dr. Smallwood concludes that “WRA’s (2020) findings regarding wildlife are not credible.” *Id.*

Second, in addition to the inadequacy of the site visits, the Biological Assessment is further flawed in its list of potentially occurring species. Specifically, many species and subspecies were listed for consideration even though they do not occur anywhere in the region. *Id.* at 10. For example, the Biological Assessment considered a special-status species that is endemic to San Clemente Island. *Id.* The Biological Assessment also improperly applied the US Fish and Wildlife Service’s lists of Bird Species of Conservation Concern, ultimately including species that are only listed for other regions of the United States. *Id.*

Third, the MND and Biological Assessment are flawed in that they improperly dismiss or understate the occurrence potential of numerous species. *Id.* Dr. Smallwood identified 63 special-status species of vertebrate wildlife with the potential to use the Project site based on his own observations and by reviewing eBird and iNaturalist for sighting records near the Project site. *Id.* Of those 63 species identified by Dr. Smallwood as having potential to use the site, 15 have been seen either directly on Project site, or have been seen on a property immediately adjacent to it. *Id.* Despite this evidence, WRA only considered the occurrence potential of one-third of these 15 species that have been documented on the Project site or on an adjacent property. *Id.* Making matters worse, of the five species that were considered in the Biological Assessment, WRA biologists determined three to have no potential to occur on the Project site (white-tailed kite, Nuttall’s woodpecker, and San Francisco common yellowthroat) and one to have low potential (Cooper’s hawk). *Id.*; Biological Assessment at 27. Based on readily available evidence of species, Dr. Smallwood put the Biological Assessment’s conclusions this way:

The biologists who visited the site saw Cooper’s hawk next to it, and yet WRA still

determined it has only low potential to occur. They were aware of the white-tailed kites, and yet WRA still determined the species has no occurrence potential. These determinations defy reality.

Smallwood, p. 10.

In total, the WRA biologists, the Biological Assessment, and the MND only analyzed the occurrence potential of 18 (29%) of the 63 species that Dr. Smallwood concludes have the potential to use the Project site. *Id.* In other words, WRA failed to analyze the potential for occurrence of 61% of the special-status species that Dr. Smallwood includes may be impacted by the Project. *Id.*

Moreover, of the 18 species the Biological Assessment did consider, almost all were found to have no occurrence likelihood. *Id.* Dr. Smallwood comes to a different conclusion regarding the analysis and conclusions for many of these species based on his own experience and occurrence records that are publicly available on sighting records data bases. *Id.*

For example, according to the Biological Assessment, “Suitable breeding habitat for CTS are water bodies that typically support inundation during winter/spring and hold water for a minimum of 12 consecutive weeks in a year of average rainfall, which results in water remaining until May or longer. None of the drainage ditches within the proposed project area supported that type of ponding. As a result, the site is only suitable for upland habitat.” Biological Assessment, p. 26. Dr. Smallwood points out two problems with this analysis. “The first problem with this conclusion is that its characterization of ponding on the site was based on a single site visit in late April during a drought year.” Smallwood, p. 14. The second problem is that it is inconsistent with Dr. Smallwood’s own observations. Dr. Smallwood has monitored many ponds for California Tiger Salamanders (“CTS”), including one study in which he monitored 64 ponds for CTS for two years. *Id.* During these studies, he found that ponds did not always remain inundated through May every year. *Id.* He “found CTS larvae in ponds that did not remain inundated through May of the previous year. Therefore, ponds that were dry when WRA visited them in April 2020 could be inundated in another year, and they could support CTS. A single site visit is insufficient for determining the potential of the site for supporting breeding CTS.” *Id.*

Dr. Smallwood disagrees with the Biological Assessment’s conclusion that “the small size of the parcel and the lack of tall trees preclude the potential for raptors to nest on the site.” Biological Assessment, p. 27. Dr. Smallwood has “often found raptors nesting in trees of stature similar to those on the project site, and on parcels even smaller than that of the project site. One can look to the successful nest of white-tailed kites right next door on an even smaller parcel and in a tree no larger than the trees on the project site.” Smallwood, p. 14. Based on decades of experience, Dr. Smallwood concludes that “WRA’s assertion lacks credibility.” *Id.* The below photos of a family of white-tailed kite were taken by Dr. Smallwood on June 1, 2021 at the edge of the Project site.



**Photos 1 and 2.** White-tailed kite preparing to pounce (left) and preparing to eat a pocket gopher (right) next the project site, 1 June 2021, Shawn Smallwood.



**Photo 3.** (Left) A family of white-tailed kites, including both parents and 3 fledglings at the site, 1 June 2021. The center of activity is an adult kite dangling a pocket gopher it caught on the project site. **Photo 4.** (Right) A closer view of an adult white-tailed kite using a pocket gopher to train 2 of its fledglings at the site to capture and manage a prey item, 1 June 2021, Shawn Smallwood.



Dr. Smallwood's comments demonstrate that the MND, having been based on an inadequate Biological Assessment, lacks reliable information on the Project site's existing biological resources. It is not possible to effectively analyze the extent of the Project's impacts on biological resources without knowing what resources use the Project site. Without an adequate baseline, there is no way for the City to determine the true scope of the Project's impacts on biological resources. There is no way for the City to rule out the potential for the Project to have an unmitigated significant impact on special-status species.

2. The Project may have a significant impact on numerous special-status species.

Dr. Smallwood's observations reveal that Project impacts will be greater than what the MND has disclosed. Based on Dr. Smallwood's site visit, review of relevant wildlife databases, and his more than 30 years of experience, he concludes that the Project may have a significant impact on 63 special-status species. Smallwood, pp. 1-13. As Dr. Smallwood explains in his comments, and as discussed below, each of the 63 species he identified may be significantly impacted as a result of the Project through: direct habitat loss, habitat fragmentation, loss of reproductive capacity, window collisions, and interference of movement, among others.

As an expert, Dr. Smallwood's comments constitute substantial evidence that the Project will have a significant impact on biological resources. An EIR is required to analyze and mitigate this potentially significant impact.

3. The Project will have a significant impact on wildlife movement.

The Biological Assessment and MND improperly dismiss the potential for the Project to impact wildlife movement based on a flawed analysis. In dismissing the Project's potential to significantly impact wildlife movement, the Biological Assessment notes that "[t]he study area is not located in an Essential Connectivity Area (defined as areas that are essential for ecological connectivity between blocks) (Spencer et al. 2010)." Biological Assessment, p. 16. But Dr. Smallwood explains that the WRA biologists were incorrect in relying on the California Essential Habitat Connectivity Project. Smallwood, p. 15. Indeed, "the California Essential Habitat Connectivity Project very specifically pointed out that it is not: 'A California Department of Fish and Game or US Fish and Wildlife Service response to potential impacts to a habitat or species from a project subject to the California Environmental Quality Act (CEQA),' nor 'Fine scale, with every important piece of habitat identified' nor 'Essential', meaning the only places of importance' nor 'A solution by itself for how to provide necessary linkages for any given species of plant or animal... Linkage designs will vary depending on focal species chosen and the goal of providing connected habitat for a chosen species might be met several different ways' nor 'The final word on connectivity for California.'" Smallwood, p. 15 (quoting California Essential Habitat Connectivity Project<sup>3</sup>). Because the California Essential Habitat Connectivity

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<sup>3</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18486> &inline.

Project's grid cells are 2,000 acres, it is "much too coarse for the conclusion drawn by WRA (2020)." Smallwood, p. 15.

The Biological Assessment also asserts: "The proposed construction will not be an impediment to any movement corridors in this area based on the separated nature of the individual units and a lack of fencing around the proposed development." Biological Assessment, p. 16. This implies that whether or not a project interferes with wildlife movement is dependent upon whether it is located within a wildlife movement corridor. *Id.* But this is not the standard. "The primary phrase of the CEQA standard goes to wildlife movement regardless of whether the movement is channeled by a corridor." Smallwood, p. 15. The CEQA Guidelines explain that a project will have a significant biological impact if it would "[i]nterfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites." CEQA Guidelines, App. G.

Based on his analysis of the Project and the site, Dr. Smallwood concludes that "The project would cut wildlife off from stopover and staging habitat, forcing volant wildlife to travel even farther between remaining patches of stopover habitat. The project would interfere with wildlife movement in the region." Smallwood, p. 15. He explains that:

A site such as the proposed project site is critically important for wildlife movement because it composes an increasingly diminishing expanse of open space within a growing expanse of anthropogenic uses, forcing more species of volant wildlife to use the site as stopover and staging habitat during migration, dispersal, and home range patrol (Warnock 2010, Taylor et al. 2011, Runge et al. 2014).

Smallwood, p. 15.

Dr. Smallwood's expert comments constitute substantial evidence that the Project may have a significant impact on wildlife movement. CEQA requires the City prepare an EIR to analyze and mitigate this potentially significant impact.

4. The Project will have a significant impact on wildlife as a result of window collisions.

"The proposed project would impose windows in the airspace normally used by birds." Smallwood, p. 16. As a result, Dr. Smallwood concludes that the Project may have a significant impact on birds as a result of window collisions. *Id.* "

Dr. Smallwood has reviewed and processed results of bird collision monitoring at 213 buildings and façades in order to calculate the number of bird collisions that would likely occur annually as a result of the Project. Smallwood, p. 16. According to his calculations, each m<sup>2</sup> of glass would result in 0.073 bird deaths per year, with 95% confidence. *Id.*

Dr. Smallwood then looked at the building design for the Project and estimated that the Project would include at least 368 m<sup>2</sup> of glass windows. *Id.* at 16. Based on the estimated 368 m<sup>2</sup> of glass windows and the 0.073 bird deaths per m<sup>2</sup> of glass windows, Dr. Smallwood estimates that the project could result in 27 bird deaths per year, which would continue until the homes were either renovated to reduce bird collisions, or demolished. *Id.* “The vast majority of these deaths would be of birds protected under the Migratory Bird Treaty Act and under the recently revised California Fish and Game Code section 3513, thus causing significant unmitigated impacts.” *Id.* These bird deaths constitute a significant impact that must be analyzed. *Id.* The City must prepare a project-level EIR to disclose, analyze, and mitigate the full scope of the Project’s impact resulting from window collisions.

To mitigate these impacts, Dr. Smallwood suggests adherence to available guidelines on building design intended to minimize collisions hazards to birds, such as those by the American Bird Conservancy (“ABC”). Smallwood, p. 19. ABC recommends: (1) minimizing use of glass; (2) placing glass behind some type of screening (grilles, shutters, exterior shades); (3) using glass with inherent properties to reduce collisions, such as patterns, window films, decals or tape; and (4) turning off lights during migration seasons. *Id.* Dr. Smallwood also suggests that the City look to the guidelines developed by the City of San Francisco, based on guidelines produced by the New York City Audubon Society, to minimize injuries and fatalities to bird species. *Id.*

5. The Project will have a significant impact on lost reproductive capacity, which has not been analyzed or mitigated.

The MND does not analyze the lost reproductive capacity of birds that would result from the loss of 2.01 acres of habitat through construction of the Project. Smallwood, p. 14. While habitat loss results in the immediate decline in birds and other animals, it also results in a permeant loss of reproductive capacity. *Id.* Dr. Smallwood cites two studies that show that total bird nesting densities were between 32.8 and 35.8 nests per acre, for an average of 34.3 nests per acre. *Id.* When multiplied by the Project’s 2.01 acres of habitat that would be lost, Dr. Smallwood predicts a loss of 200 fledglings per year. *Id.* This loss would repeat each year. *Id.* Based on an average of 2.9 fledglings per nest, and an average generation time of 5 years, “the project would deny California 22,760 birds over the next century due solely to the loss of terrestrial habitat. *Id.* at 15.

The potential loss of hundreds of birds each year is a significant impact that has not been analyzed. An EIR is required to fully analyze the Project’s impact on lost breeding capacity, and to mitigate that impact.

6. The Project may have a significant impact on wildlife as a result of house cats.

The MND fails to analyze the Project’s impacts on wildlife as a result of house cats that may be brought to the Project site by future residents of the Project. House cats are one of the largest sources of avian mortality in North America. Smallwood, p. 17. Studies show that in the

US alone, an estimated 139 million house cats killed an estimated 16.95 billion vertebrate wildlife annually. Smallwood, p. 17. The MND does not mention any restrictions on house cats. Therefore, Dr. Smallwood made the following calculations based on average cat ownership in the US:

In 2012 there were 0.44 house cats per human, and 122 vertebrate animals were killed per cat, free-ranging members of which killed disproportionately larger numbers of vertebrate wildlife. According to the IS/MND, the proposed project would add 32 new residents and 5 staff. The above rates applied to 37 new residents/staff **would add 16 cats, which would kill 1,952 vertebrate wildlife per year.**

Smallwood, p. 17.

Going beyond just the averages, Dr. Smallwood notes that during his three hour site visit, he observed three house cats hunting for wildlife on the Project site, one of which captured a pocket gopher.

An EIR must be prepared to analyze the impacts of house cats on wildlife.

7. The MND's conclusion that the project will have no cumulative biological impact is not supported by substantial evidence because the MND fails to analyze the Project's cumulative impact on biological resources.

The MND does not contain an analysis of the potential cumulative impacts to biological resources resulting from the Project, together with past, present, and reasonably foreseeable future projects. As a result, there is no evidence to support the MND's conclusion that the Project will not have a significant cumulative impact on biological resources.

An initial study and MND must discuss a Project's significant cumulative impacts. 14 Cal. Code Regs. § 15130(a). This requirement flows from CEQA section 21083, which requires a finding that a project may have a significant effect on the environment if "the possible effects of a project are individually limited but cumulatively considerable. . . . 'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

"Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." 14 Cal. Code Regs. § 15355(a). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." *Id.* "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." *Comm. for a Better Env't v. Cal.*

*Resources Agency* (2002) 103 Cal.App.4th 98, 117; 14 Cal. Code Regs. § 15355(b). A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand.

The CEQA Guidelines allow two methods for satisfying the cumulative impacts analysis requirement: the list-of-projects approach, and the summary-of-projects approach. Under either method, the MND must summarize the expected environmental effects of the project and related projects, provide a reasonable analysis of the cumulative impacts, and examine reasonable mitigation options. 14 Cal. Code Regs. § 15130(b).

Here, the MND relies on the environmental review performed for the City's General Plan EIR and the Roseland/Sebastapol Road Specific Plan and Roseland Area Annexation EIR. MND, p. 108. The MND admits that "The project will contribute to cumulative impacts identified in the City's General Plan EIR but not to a level that is cumulatively considerable." *Id.* This conclusion is based on the following analysis:

As described in **Sections 7.1 – 7.20**, development of the Hearn Veterans Village project could potentially result in significant impacts. However, those impacts would be reduced to less-than-significant levels with implementation of mitigation measures. The implementation of mitigation measures would ensure that development of the proposed project would not be cumulatively considerable and as such the project's cumulative impacts will be less than significant.

MND, p. 108.

This analysis is flawed and does not comply with CEQA. According to the MND, an impact is cumulatively considerable only when it has not been fully mitigated. "If this was CEQA's standard, then cumulative effects analysis would be merely an analysis of mitigation efficacy." Smallwood, pp. 17-18. The conclusion that the Project will have no cumulative impact because each individual impact has been reduced to a less-than-significant level relies on the exact argument CEQA's cumulative impact analysis is meant to protect against. The entire purpose of the cumulative impact analysis is to prevent the situation where mitigation occurs to address project-specific impacts, without looking at the bigger picture. This argument, applied over and over again, has resulted in major environmental damage, and is a major reason why CEQA was enacted. As the court stated in *CBE v. CRA*, 103 Cal. App. 4th at 114:

Cumulative impact analysis is necessary because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.

A new cumulative impacts analysis is needed for the Project that complies with CEQA's requirement to look at the Project's environmental impact, combined with the impacts of other past, current, and probable future projects. An EIR must be prepared to fully analyze the Project's cumulative impacts.

**B. The Project will have a Significant Energy Impact.**

A project has a significant impact under CEQA if it will result in the "wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation" or if it would "[c]onflict with or obstruct a state or local plan for renewable energy or energy efficiency." MND, p. 52-53.

The MND's analysis of the Project's energy impacts is completely deficient in its discussion of renewable energy. It fails to acknowledge the California Energy Commission's 2019 Building Energy Efficiency Standards (found in the 2019 Building Code), which went into effect on January 1, 2020. The 2019 Building Code requires all new low-rise residential buildings, such as the Project, to be Zero Net Energy and include solar photovoltaic systems. Title 24, Building Code, sections 150.1(b)(1) and 150.1(c)(14). Zero Net Energy ("ZNE") means netting out a home's annual energy usage to zero by making homes more efficient and providing on-site renewable energy. *Id.* Specifically, solar PV panels are required to offset the energy usage of new homes. *Id.* None of these requirements are mentioned in the MND.

Despite the mandatory nature of the ZNE requirement, the MND does not explain how the Project will meet the California Building Code's ZNE standard, nor does it mention the inclusion of solar panels in the Project. By not complying with the 2019 Building Energy Efficiency Standards, the Project will be in "conflict with or obstruct a state or local plan for renewable energy or energy efficiency." This is a significant impact that must be fully analyzed and mitigated in an EIR.

In addition, the Building Code, and all newly constructed buildings that have complied with the Code since it became effective in 2020, are evidence that low-rise residential buildings can be constructed to operate using only renewable energy sources. Since the Project will not include solar generation or meet ZNE standards, the Project will result in the wasteful, inefficient, and unnecessary consumption of non-renewable energy. This is also a significant impact that must be fully analyzed and mitigated in an EIR.

**II. MANY OF THE PROPOSED MITIGATION MEASURES VIOLATE CEQA BECAUSE THERE IS NO EVIDENCE THAT THEY ARE EFFECTIVE OR FEASIBLE, AND THEY CONSTITUTE DEFERRED MITIGATION.**

CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and mitigation measures. 14 Cal. Code Regs. § 15002(a)(2) and (3). Mitigation measures must be designed to minimize, reduce, or avoid an identified environmental impact or to rectify or compensate for that impact. 14 Cal.

Code Regs. § 15370. Mitigation measures must be feasible, enforceable, and effective. A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. 14 Cal. Code Regs § 15364.

A lead agency is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved; an agency may not rely on mitigation measures of uncertain efficacy or feasibility. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727. This approach helps “ensure the integrity of the process of decision making by precluding stubborn problems or serious criticism from being swept under the rug.” *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.

To ensure mitigation measures are feasible and certain, CEQA disallows deferring the formulation of mitigation measures to post-approval studies. 14 Cal. Code Regs. § 15126.4(a)(1)(B); *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309. Deferral of the development of specific details of a mitigation measure is only permitted when “it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure.” 14 CCR § 15126.

Moreover, “mitigation measure[s] [that do] no more than require a report be prepared and followed” do not provide adequate information for informed decisionmaking under CEQA. *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 794; 14 Cal. Code Regs. § 15126.4(a)(1)(B). By deferring the development of specific mitigation measures, the City has effectively precluded public input into the development of those measures. CEQA prohibits this approach. As explained by the court in *Communities for a Better Env’t v. Richmond* (2010) 184 Cal.App.4th 70, 92:

[R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA’s goals of full disclosure and informed decisionmaking; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment.

**A. Many of the Proposed Mitigation Measures Constitute Improperly Deferred Mitigation.**

MM BIO-1 requires the preparation of a landscaping plan that would offset the loss of grassland habitat for the special-status western bumble bee. MND, p. 9-5. The measure requires

native shrubs and herbaceous species to be identified in a landscape plan, and plants known to benefit native bees shall be selected, which may include, but are not limited to, coyote brush, sage lupines, various species of Lotus and Acmispon gum plant, and Phacelia. *Id.* Mitigation Measure BIO-1 constitutes deferred mitigation because it defers the formulation of the landscape plan until after the CEQA process is complete, and the City has not shown it is impractical or infeasible to include those details during the City's environmental review process. *See* 14 CCR § 15126.

MM BIO-3 includes a requirement that the Applicant "prepare and submit a Relocation Plan for the Service/CDFW review and written approval." MND, p. 9-7. The Relocation Plan is supposed to contain the method of relocation, a map, and a description of the proposed release site(s) and burrow(s), and written permission from land owners to use their land. *Id.* This measure also constitutes deferred mitigation because it defers the formulation of the Release Plan until after the CEQA process is complete, and the City has not shown it is impractical or infeasible to include those details during the City's environmental review process. *See* 14 CCR § 15126.

Moreover, deferral of mitigation is also impermissible if it removes the CEQA decision-making body from its decision-making role. The City may not delegate the formulation and approval of mitigation measures to address environmental impacts because an agency's legislative body must ultimately review and vouch for all environmental analysis mandated by CEQA. *Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296, 306-308. Thus, the MND may not rely on programs to be developed and implemented later without approval by the City. Yet that is precisely what MM BIO-3 does. The lead agency – the City – has improperly delegated its legal responsibility of determining what constitutes adequate mitigation to USFWS and CDFW. MM BIO-3 calls for USFWS and CDFW to have a final say in mitigation requirements, while the public is given no opportunity to comment. The MND may not rely on a Relocation Plan to be developed, approved, and implemented later, at some future time after the Project has been approved. Without valid mitigation, the Project's significant impact on California Tiger Salamanders remains significant.

Similarly, part 10 of Mitigation Measure AQ-2 also violates CEQA and defers formulation of mitigation. MM AQ-2(10) states that the "project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent CARB fleet average." MND, p. 9-4. There are numerous problems with this mitigation. First, as written, this mitigation measure does not require the project to actually use construction equipment with a project-wide fleet average of 20 percent below NOx and 45 percent below PM compared to the most recent CARB fleet average. Instead, it merely requires preparation of a plan. As such, there is no enforceable requirement that the Project reduce its emissions by 20 and 45 percent. The measure should be revised to require the Project to achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction. Second, even if a plan were sufficient, it must be prepared and reviewed by the City now, not deferred to



some later date after CEQA review is complete. Third, the measure is vague in its reliance on “the most recent CARB fleet average.” CARB is a regulatory agency and does not itself use fleets. Which fleets is the mitigation measure referring to? Additional information must be provided.

Part 11 of Mitigation Measure AQ-2 requires the applicant to “[u]se low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).” MND, p. 9-5. This measure is vague in that it does not state what “beyond the local requirements” means or provide any standard for how far beyond those standards the project is required to go. Is it sufficient for coatings to be just 1% lower in VOC emissions? Without any guidance on the level of additional VOC reduction required, there is no evidence it will adequately reduce emissions.

Mitigation Measure GEO-1 requires the Applicant to prepare an Erosion Control Plan and submit it to the Building Division of the City’s Department of Planning and Economic Development. MND, p. 9-18 to 19. Again, there is no reason that the deferral of the Erosion Control Plan is warranted. Moreover, rather than the legislative body of the lead agency approving the plan, MM GEO-1 delegates approval of the Erosion Control Plan to City staff who work in the Department of Planning and Economic Development.

Mitigation Measure NOI-1 requires the Project Applicant to “[l]imit use of the concrete saw to a distance of 50 feet or greater from residences, where feasible,” to “[c]onstruct temporary noise barriers, where feasible,” and to muffle stationary noise-generating equipment with enclosures “where feasible.” MND, p. 9-24. There is no standard of guidance for what is or is not “feasible,” leaving that determination entirely up to the Applicant. Without standards for what is feasible, there is no evidence that the resulting noise levels after mitigation is implemented that the applicant thinks is “feasible” will be sufficiently low to mitigation the Projects noise impacts.

**B. There is no Evidence that the Project’s impacts on habitat for California Tiger Salamander and other species have been Mitigated to a Less-Than-Significant Level.**

Mitigation Measure BIO-2 requires the Applicant to purchase mitigation credit at a 2:1 ratio “from a mitigation bank that is within the Critical Habitat for the species.” MND, p. 9-6. Courts have rejected this mitigation, particularly where, as here, there is no evidence that sufficient mitigation credits exist and that the credits are linked to a reasonable plan for mitigation. *See, King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 877.

Moreover, the purchase of mitigation credits does not actually mitigate the loss of habitat, either for CTS or for other species. The Biological Assessment is incorrect when it states that “[t]he mitigation will be purchased from a mitigation bank that is within the Critical Habitat for the species. Therefore, no net loss of CTS Critical Habitat will occur.” Biological Assessment, p.

28. Dr. Smallwood explains that “The habitat that would be purchased in a conservation bank already exists. The loss of habitat at the project site will not be replaced by new habitat. Therefore, a net loss of habitat will occur.” Smallwood, p. 14. Moreover, purchasing credits for habitat elsewhere outsources the benefits of the Project site to another community. For example, the fire mitigation, flood protection, and groundwater benefits currently provided by the site will be lost to another community.

Second, as Dr. Smallwood explains:

many more special-status species would be significantly and adversely affected by this project. Compensatory mitigation would also be needed for impacts to these other species. Habitat should be permanently protected in the form of fee title or conservation easement, or a combination thereof. Habitat impacts should also be mitigated as near as possible to the project footprint, and it should be strategically implemented to reduce the effects of habitat fragmentation (Smallwood 2015).

Smallwood, p. 19.

Additional mitigation is required to mitigate the Project’s impacts on habitat to a less-than-significant level.

### **III. THE PROJECT IS NOT CONSISTENT WITH THE CITY’S ZONING CODE AND WILL CHANGE THE CHARACTER OF THE NEIGHBORHOOD.**

Per the City of Santa Rosa General Plan 2035 Land Use Diagram (October 18, 2016), the Project site is designated Very Low Density Residential which is intended to accommodate single-family detached units at a density of 0.2 to 2.0 dwelling units per acre. This designation was changed to Very Low Density Residential (allowing 0.2 to 2 units per acre) from Low Density Residential (allowing 2 to 8 units per acre) following lengthy negotiations between the City and the West Hearn Avenue residents prior to approval of the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation Project. West Hearn Avenue residents wanted to ensure that the rural character of the neighborhood was maintained if annexation occurred. In addition to designating the area as Very Low Density Rural Residential, the City also agreed to create a “Rural Heritage combining district,” which it applied to the neighborhood. The purpose of the Rural Heritage combining district is “to recognize, preserve, and enhance Santa Rosa’s rural communities.” Santa Rosa Mun. Code sec. 20-28.090(A). This zoning standard is specifically applied to the West Hearn Avenue neighborhood in which the Project is located. *Id.* at (C)(1).

The Project violates both the spirit and the letter of the agreement and the Zoning Code. It would create eight new residential units (four primary residences and four ADUs) on 2.01 acres of land, creating a density of 4 units per acre, which is twice the maximum density permitted on land designated Very Low Density Residential. The Project’s violation of the Very

Low Density standard is a significant impact under CEQA because density standards are meant to avoid or mitigate a variety of environmental impacts.

In addition, the Project will change the existing character of the neighborhood., which is distinctly rural. Every other property on this street has a single family home that is one-story on parcels of .5 acres, with houses ranging in size between 1,000 and 1,200 square feet. Most have small family farms that include sheep, goats, chicken, pigs, cows, and horses. In contrast, the proposed Project will include four main houses of 3,139 square feet, over two stories, with accessory units being 1,008 square feet. The Project buildings will be massive compared to the existing homes. The Project will house 37 people on 2 acres, or nearly double the population currently living on West Hearn.

By violating the agreed upon land use designation, and failing to protect the rural character of the neighborhood, the City and Applicant are acting in bad faith.

#### **IV. THE PROJECT REQUIRES A MINOR USE PERMIT.**

The MND improperly states that supportive housing uses are permitted by-right within the RR-20-RH Zoning District. MND, p. 3. Santa Rosa Municipal Code section 20-22.030 specifies in Note 4 to Table 202 that:

**A Minor Use Permit is required for the construction of new multi-family supportive or transitional housing units in an RR or R-1-6 Zoning District**, similar to construction of a new traditional multi-family unit in an RR or R-1-6 Zone. The construction of new multi-family supportive housing units does not require a Minor Use Permit when the proposed use meets each of the requirements of Assembly Bill 2161, as specified in Government Code Section 65651.

The exception to the requirement for a Minor Use Permit for supportive housing in Rural Residential zones is not applicable because each of the requirements of Government Code section 65651 are not met. Specifically, Government Code section 65651 applies only when supportive housing is proposed “in zones where multifamily **and** mixed uses are permitted.” Cal. Government Code section 65651(a) (emph. added). Mixed uses are not permitted in Rural Residential zones in Santa Rosa. Accordingly, the exception to the requirement that a supportive housing proposed to operate in a Rural Residential zone must obtain a Minor Use Permit. The Project cannot be approved without a Minor Use Permit.

#### **V. THE PROJECT REQUIRES NEPA REVIEW.**

According to the MND, the Project will be federally funded through the United States Department of Housing and Human Development. MND, p. 50. This federal funding triggers the National Environmental Policy Act (“NEPA”), 42 USC §§4321-4370j. An environmental assessment must be prepared to determine if an EIS is required.

## CONCLUSION

The West Hearn Residents for Rural Integrity are not opposed to the type of use proposed. Instead, they are opposed to the density of the Project, its failure to maintain the character of the neighborhood, and the Project's environmental impacts, particularly impacts to the abundant wildlife that uses the Project site. Despite a willingness to discuss their concerns with the Applicant, over the past five years, the applicant never reached out to neighborhood residents. Instead, it waited until the proposal was complete, after decisions had already been made about density, location, mitigation, etc. Rather than asking for true input, the Applicant is now merely presenting the pre-determined plan to neighbors.

For the foregoing reasons, we respectfully request the City:

1. Prepare an EIR to address the MND's inadequacies, as described above;
2. Require the Applicant to resubmit the Project only once a new design is prepared that complies with the City of Santa Rosa's zoning requirements;
3. Direct the Applicant to undertake good faith discussions with the West Hearn Avenue Neighbors to resolve their concerns;
4. Postpone the Planning Commission's hearing on the Project until the above corrections have been made.

Sincerely,



Rebecca L. Davis

# EXHIBIT A

Shawn Smallwood, PhD  
3108 Finch Street  
Davis, CA 95616

Monet Sheikhali, City Planner  
City of Santa Rosa  
Planning and Economic Development Department  
100 Santa Rosa Avenue, Room 3  
Santa Rosa, CA 95404

7 June 2021

RE: Hearn Veterans Village

Dear Ms. Sheikhali,

I write to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the proposed Hearn Veterans Village Project (City of Santa Rosa 2021). I understand this project would add 4 single-family homes and an accessory dwelling unit on 2.01 acres. I also reviewed WRA and Jane Valerius Environmental Consulting (2020) (hereafter referred to as WRA 2020).

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I subsequently worked for four years as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, interactions between wildlife and human infrastructure and activities, conservation of rare and endangered species, and on the ecology of invading species. I authored numerous papers on special-status species issues. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and the Raptor Research Foundation, and I've been a part-time lecturer at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for thirty-five years, including at many proposed project sites. My CV is attached.

### **SITE VISIT**

I visited the site of the proposed project for 3 hours on 1 June 2021, starting at 17:32 hours. With binoculars, I walked the western perimeter, stopping periodically to perform visual scans for vertebrate wildlife.

Based on my visual scan of the site, its vegetation cover consists of grassland with a dense cluster of oaks and willows in its interior, and shrubs. It is bordered by a remnant streambed to the west. According to the IS/MND, the site also includes wetlands with plant species that grow only on wetlands. Otherwise, the site is surrounded by various densities of housing, and vernal pool/grassland complexes remain intact to the northwest and southwest.

While visiting the site, I detected 34 species of vertebrate wildlife, 7 of which were special-status species (Table 1). The site supports Anna's hummingbirds and hooded orioles (Photos 1 and 2), California towhees and American crows (Photos 3 and 4), black phoebes and bushtits (Photos 5 and 6), and a family of white-tailed kites (Photos 7 - 10), among other species. Evidence of breeding was abundant. The site is rich in wildlife.

**Table 1.** *Species of wildlife I observed during 3 hours on 1 June 2021.*

<b>Species</b>	<b>Scientific name</b>	<b>Status (see Table 2)</b>
Mallard	<i>Anas platyrhynchos</i>	
Great egret	<i>Ardea alba</i>	
Snowy egret	<i>Egretta thula</i>	
Ring-billed gull	<i>Larus delawarensis</i>	
Turkey vulture	<i>Cathartes aura</i>	BOP
Red-shouldered hawk	<i>Buteo lineatus</i>	BOP
White-tailed kite	<i>Elanus leucurus</i>	CFP, BOP
Mourning dove	<i>Zenaida macroura</i>	
Rock pigeon	<i>Columba livia</i>	Non-native
Eurasian collared-dove	<i>Streptopelia decaocto</i>	Non-native
Anna's hummingbird	<i>Calypte anna</i>	
Nuttall's woodpecker	<i>Picoides nuttallii</i>	BCC
Willow flycatcher	<i>Empidonax traillii</i>	CE, BCC
Black phoebe	<i>Sayornis nigricans</i>	
Oak titmouse	<i>Baeolophus inornatus</i>	BCC
Bewick's wren	<i>Thryomanes bewickii</i>	
Bushtit	<i>Psaltiriparus minimus</i>	
California scrub-jay	<i>Aphelocoma californica</i>	
American crow	<i>Corvus brachyrhynchos</i>	
Violet-green swallow	<i>Tachycineta thalassina</i>	
Barn swallow	<i>Hirundo rustica</i>	
Northern mockingbird	<i>Mimus polyglottos</i>	
MacGillivray's warbler	<i>Oporonus tolmiei</i>	
San Francisco common yellowthroat	<i>Geothlypis trichas sinuosa</i>	SSC3
California towhee	<i>Pipilo crissalis</i>	
House sparrow	<i>Passer domesticus</i>	Non-native
Hooded oriole	<i>Icterus cucullatus</i>	
Great-tailed grackle	<i>Quiscalus mexicanus</i>	
House finch	<i>Carpodacus mexicanus</i>	
American goldfinch	<i>Carduelis tristis</i>	
Bats	<i>Chiroptera</i>	
Botta's pocket gopher	<i>Thomomys bottae</i>	
Gray fox	<i>Urocyon cinereoargenteus</i>	
House cat	<i>Felis catus</i>	Non-native



**Photos 1 and 2.** Anna's hummingbird and hooded oriole on the project site, 1

June 2021.



**Photos 3 and 4.** California towhees and American crow at the project site, 1 June 2021.





**Photos 5 and 6.** Black phoebe and bushtit at the project site, 1 June 2021.

**Photo 7.** A family of white-tailed kites, including both parents and 3 fledglings at the site, 1 June 2021. The center of activity is an adult kite dangling a pocket gopher it caught on the project site





**Photo 8.** A closer view of an adult white-tailed kite using a pocket gopher to train 2 of its fledglings at the site to capture and manage a prey item, 1 June 2021.



**Photos 9 and 10.** White-tailed kite preparing to pounce (left) and preparing to eat a pocket gopher (right) next the project site, 1 June 2021.

The white-tailed kites nested in a tree located just west of the project site, but the kites hunted on the project site. The adults invested considerable time and effort to train their fledglings on pocket gophers they caught on the site (see Photos 7 through 10). The success of the nest would have been less likely without access to forage on the site proposed for the project.

Another species of raptor also nested in a tree just west of the project site, and that was red-shouldered hawk. I did not determine whether that nest was successful, but the location of the nest near the project site was unlikely a coincidence. Red-shouldered hawks prey on a variety of vertebrate species, but it is known as the species of the genus *Buteo* that most specializes on birds. Because the project site is rich in bird species, the nearness of the red-shouldered hawks' nest site makes sense.

Nesting on or very near the site are most of the bird species listed in Table 1. I saw fledglings or territorial defense or other behaviors indicative of breeding expressed by Anna's hummingbird, hooded oriole, California towhee, black phoebe, mourning dove, oak titmouse, Bewick's wren, American crow, house sparrow and house finch. Other species were less clearly breeding, but probably were doing so. And other species did clearly forage on site, including bushtit, willow flycatcher, Nuttall's woodpecker, California scrub-jay, violet-green swallow, barn swallow, and bats.

A few species simply flew over the project site, such as turkey vulture, great egret, snowy egret, mallard, great-tailed grackle, and ring-billed gull. However, this type of use of the project site can be just as important as any other, because that portion of the aerosphere that composes a species' aerohabitat is essential for home range patrol, foraging, dispersal and migration. If none of these essential functions can be achieved, then an animal in the wild cannot successfully breed. In my experience, volant wildlife select aerohabitat over open spaces more so than over residential rooftops and other impervious surfaces.

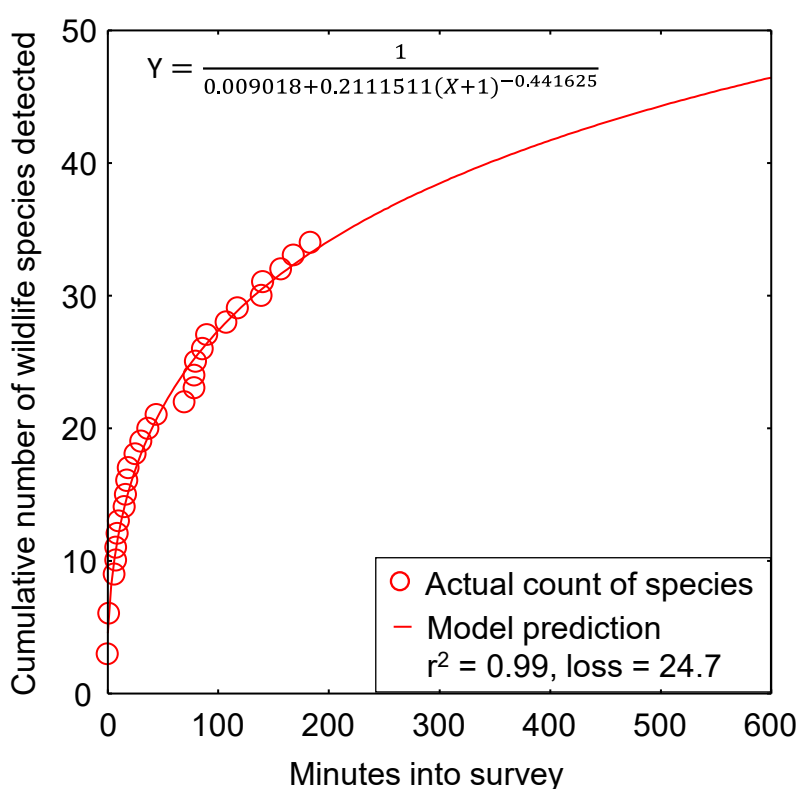
My gray fox identification was uncertain. From the west edge, I saw a large extruded soil mound near the cluster of willows on the site. The soil mound formed a ramp typical of the entrance to a fox den. Locals informed me that a gray fox has been seen in the area recently, so there is a reasonable likelihood that the soil mound I saw had been excavated by gray fox. Another candidate species would be American badger (*Taxidea taxus*), and a third would be coyote (*Canis latrans*).

My detection of 34 species of vertebrate wildlife needs to be interpreted within the context of her survey effort. The results of a single survey qualify as an absurdly thin empirical foundation for characterizing the environmental setting of any given site, including one proposed for a project. A single survey can serve only as a starting point toward characterization of a site's wildlife community. I had only 3 hours available to perform a visual scan survey on 3 June 2021, so there were only so many species I was likely to detect. It would have been inappropriate of me to have reported that the site supports only 34 species of wildlife. However, when a reconnaissance-level survey is diligently performed, and when the outcome is analyzed appropriately and fully reported, the number of species detected within a given reconnaissance survey effort can

inform of the number of species that likely would have been detected with a larger survey effort during the same time of year.

By recording when I detected each species, I was able to forecast the number of species that could have been detected with a longer effort using the same visual scan method. Figure 1 shows my cumulative count of species detected at the site with increasing time into my survey. Just as I have seen for many other survey efforts, a nonlinear regression model fit the data very well, explaining 99% of the variation in the data, and it showed progress towards the inevitable asymptote of the number of species detectable over a longer time period using the same survey method. In this case, my model predicted I would have eventually detected 111 species had I continued performing evening surveys during early June. I actually detected only 30.6% of what the pattern in my data predicts I could have detected with an expanded effort.

**Figure 1.** *Actual and predicted relationships between the number of vertebrate wildlife species detected and the elapsed survey time based on a visual-scan survey on 3 June 2021. Note that the relationship would differ if the survey was based on another method, another time of day, or during another season. Also note the cumulative number of vertebrate species across all methods, times of day, and seasons would increase substantially.*

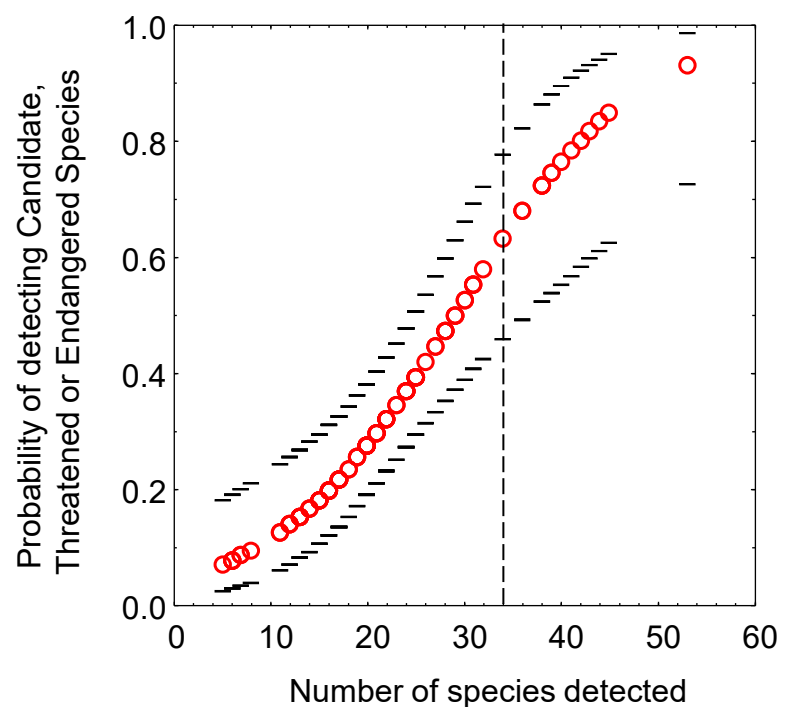


I could have detected many more species than I predicted by also performing surveys at different times of day to detect diurnal, nocturnal and crepuscular species, or surveys in different seasons and years to detect migrants and species with multi-annual cycles of abundance, or surveys of different methods such as use of acoustic detectors or thermal-imaging for bats, owls, and nocturnally migratory birds, and live-trapping for small mammals. My reconnaissance-level survey, performed carefully and analyzed appropriately, informs me that the site is rich in wildlife but also that its environmental setting remains insufficiently characterized as foundation for analysis of impacts to special-status species (more on this later). What my survey does not inform me, and

what detection surveys could, is which of the potentially occurring special-status species actually occur at the site in addition to those I had the good fortune to detect.

The likelihood of detecting special-status species is typically lower than that of more common species. This difference can be explained by the fact that special-status species tend to be rarer than common species. Special-status species also tend to be more cryptic, fossorial, or active during nocturnal periods when reconnaissance surveys are not performed. Another useful relationship from careful recording of species detections and subsequent comparative analysis is the probability of detection of listed species as a function of an increasing number of vertebrate wildlife species detected (Figure 2). (Note that listed species number fewer than special-status species, which are inclusive of listed species.) As demonstrated in Figure 1, the number of species detected is a function of survey effort. Therefore, greater survey effort increases the likelihood that listed species will be detected (which is the first tenet of detection surveys for special-status species). Based on the outcomes of 106 previous surveys that I performed at sites of proposed projects, my survey effort at the project site carried a 63% chance of detecting a listed species. As it turned out, I beat the odds by detecting not only one, but two listed species at the site: willow flycatcher (California Endangered) and white-tailed kite (California Fully Protected).

**Figure 2.** Probability of detecting  $\geq 1$  Candidate, Threatened or Endangered Species of wildlife listed under California or federal Endangered Species Acts, based on survey outcomes that I logit-regressed on the number of wildlife species I detected as an expert witness during 106 site visits throughout California. The short-dashed vertical line represents the cumulative number of species I detected on 3 June 2020, and the long-dashed line represents the cumulative number of species both WRA (2020) and I detected.



I am confident that with greater survey effort, including surveys during other times of year and using additional methods, and including the appropriate detection survey protocols, multiple additional special-status species would be detected, including merlin, burrowing owl, multiple additional species of bats, and most of the species listed in Table 2. A larger survey effort is needed to inform the public and decision-makers about the potential project impacts to wildlife and how to mitigate them.



## **BASELINE CONDITIONS AND BIOLOGICAL IMPACTS ASSESSMENT**

On the one hand, City of Santa Rosa (2021) appears to understand the biological values of the project site, and on the other hand to have given little effort toward analyzing potential project impacts to biological resources. According to the IS/MND (p. 39), “The City of Santa Rosa and Planning Area contains streams, creeks, and associated tributaries, vernal pools, grasslands, hillsides, and woodlands, all of which serve as important habitats for a variety of plant and animal species.” And, “...the project site is identified as an area potentially containing sensitive species and potentially containing high quality vernal pool habitat.” But after acknowledging the importance of the site, the IS/MND’s conclusions are based on a highly cursory site survey and a weak analysis of potential impacts.

Other than reporting the date of the survey (27 April 2020) and how biologists walked over the site (“meandering”), WRA (2020) neglected to report the most basic information needed to assess the rigor and focus of the biological survey. The reader needs to know what time of day the survey took place, and how long the biologists were on site. All the reader knows is that the biologists who performed the survey did not see much in the way of plants and wildlife. However, as I pointed out earlier, the number of wildlife species detected is largely a function of survey effort. WRA (2020) should have reported the level of effort committed to the site.

The reporting of the field survey should be improved, but the only remedy for an unreliable survey outcome is to perform appropriate surveys. Given what I saw at the site during my 3-hour visit, I found it astounding that the two biologists who surveyed the site on 27 April 2020 detected a mere 7 species of wildlife (WRA 2020). The two biologists who surveyed the site – and who had direct access to it – detected a fifth of the species I saw and heard in only 3 hours on the evening of June 3<sup>rd</sup>. Perhaps the two visiting biologists were not experienced with wildlife, or perhaps they were focused on plants or soils, but for whatever reason they did not see more than a tiny fraction of the wildlife community that uses the site. Admittedly, I also detected only a fraction of the species that compose the local wildlife community but at least I put my findings in context of the survey effort. WRA’s (2020) findings regarding wildlife are not credible.

The biologists who visited the site likely knew that their wildlife species list was too short. WRA (2020:13) added the caveat, “The reconnaissance-level site visit was intended only as an evaluation of on-site and adjacent habitat types, and no special status animal species surveys were conducted as part of this effort.” Indeed, no detection surveys were performed; and by detection surveys I mean the types of surveys that were formulated by species’ experts and natural resource agencies to ensure reasonable likelihood of detection at reasonable cost. Detection surveys have been developed to detect a species that is present, to support absence determinations, and to inform preconstruction surveys to minimize take and to inform compensatory mitigation. Detection survey protocols are available for California tiger salamander, burrowing owl, Swainson’s hawk, and multiple other special-status species with potential to occur at the site. Additionally, methods are available for detecting classes of

wildlife that WRA's field visit neglected. Acoustic detectors, thermal-imaging cameras, mist-netting and evening visual scans would enable detections of bats. Live-trapping would have enabled detections of small terrestrial mammals. Point counts would have helped with birds.

The inexperience hypothesis for WRA's short list of detected wildlife species gained support upon my review of WRA's (2020) list of potentially occurring species. Multiple species and subspecies were considered even though they do not occur in the region. WRA considered subspecies with special-status because they are endemic to San Clemente Island, for example. WRA also misapplied the US Fish and Wildlife Service's lists of Bird Species of Conservation Concern, including species that are listed for other regions of the USA. It would help to assign an experienced biologist to those performing the field survey and to those analyzing potential impacts.

The analysis of potential impacts also went astray in the determinations of species' occurrence likelihoods. I identified 63 special-status species of vertebrate wildlife with potential to use the site (Table 2). I identified these species through my own observations and by reviewing eBird and iNaturalist for sighting records in the area. Of the 63 species in Table 2, 15 have been seen either directly on the project site or on property immediately adjacent to it. WRA considered the occurrence potential of only a third of these 15 species documented on or next to the site, and of the 5 species considered, WRA determined 3 to have no potential (white-tailed kite, Nuttall's woodpecker, and San Francisco common yellowthroat) and one to have low potential (Cooper's hawk). The biologists who visited the site saw Cooper's hawk next to it, and yet WRA still determined it has only low potential to occur. They were aware of the white-tailed kites, and yet WRA still determined the species has no occurrence potential. These determinations defy reality.

In all, WRA determined the occurrence potentials of only 18 (29%) of the 63 species I listed in Table 2. Nearly all of the 18 species considered by WRA were also determined to have no occurrence likelihood. These determinations are inconsistent with my own experience and with the occurrence records that are publicly available on data bases of sightings records. One plausible explanation for WRA's determinations was that they were based narrowly on whether the species is likely to breed on site. However, no animal can successfully breed at any location without also surviving the non-breeding season and migration, and without having found sufficient forage and opportunities in refugia, stopover during migration, staging, mate-selection and all the other functions the animal must perform to successfully breed. If WRA determined occurrence potential based on whether a species would breed on site, then WRA made its determinations based on an unrealistic view of wildlife habitat.

**Table 2.** Occurrence likelihoods of special-status species at the project site, based on WRA’s assessments and by records of sightings in eBird and iNaturalist and actual site visits by biologists.

Species	Scientific name	Status <sup>1</sup>	Occurrence likelihood	
			WRA	eBird, iNaturalist, site visits
California tiger salamander	<i>Ambystoma californiense</i>	FT, CT	High	Recent nearby
California red-legged frog	<i>Rana draytonii</i>	FT, SSC	None	Nearby
Foothill yellow-legged frog	<i>Rana boylei</i>	CE, SSC	None	Nearby
Western pond turtle	<i>Emys marmorata</i>	SSC	None	Nearby
Caspian tern	<i>Hydroprogne caspia</i>	BCC		Nearby
California gull	<i>Larus californicus</i>	WL		Very close
Turkey vulture	<i>Cathartes aura</i>	BOP		On site
Osprey	<i>Pandion haliaetus</i>	WL, BOP	None	Nearby
Bald eagle	<i>Haliaeetus leucocephalus</i>	BGEPA, BCC, CE, CFP		Nearby
Golden eagle	<i>Aquila chrysaetos</i>	BGEPA, BCC, CFP	None	Nearby
Red-tailed hawk	<i>Buteo jamaicensis</i>	BOP		Adjacent
Ferruginous hawk	<i>Buteo regalis</i>	BCC, WL, BOP		Nearby
Swainson’s hawk	<i>Buteo swainsoni</i>	BCC, CT		Nearby
Rough-legged hawk	<i>Buteo regalis</i>	BOP		Nearby
Red-shouldered hawk	<i>Buteo lineatus</i>	BOP		Adjacent
Sharp-shinned hawk	<i>Accipiter striatus</i>	WL, BOP		Adjacent
Cooper’s hawk	<i>Accipiter cooperi</i>	WL, BOP	Low	Adjacent
Northern harrier	<i>Circus cyaneus</i>	SSC <sub>3</sub> , BOP		Adjacent
White-tailed kite	<i>Elanus leucurus</i>	CFP, BOP	None	On site
American kestrel	<i>Falco sparverius</i>	BOP		Adjacent
Merlin	<i>Falco columbarius</i>	WL, BOP		Nearby
Prairie falcon	<i>Falco mexicanus</i>	BCC, WL, BOP		Nearby
Peregrine falcon	<i>Falco peregrinus</i>	BCC, CFP		Adjacent
Burrowing owl	<i>Athene cunicularia</i>	BCC, SSC <sub>2</sub>	None	Nearby
Great-horned owl	<i>Bubo virginianus</i>	BOP		Nearby
Long-eared owl	<i>Asio otus</i>	SSC <sub>3</sub> , BOP		In region
Short-eared owl	<i>Asio flammeus</i>	SSC <sub>3</sub> , BOP		Nearby
Barn owl	<i>Tyto alba</i>	BOP		Nearby
Western screech-owl	<i>Megascops kennicotti</i>	BOP		Nearby



Species	Scientific name	Status <sup>1</sup>	Occurrence likelihood	
			WRA	eBird, iNaturalist, site visits
Costa's hummingbird	<i>Calypte costae</i>	BCC		Nearby
Allen's hummingbird	<i>Selasphorus sasin</i>	BCC	None	Nearby
Rufous hummingbird	<i>Selasphorus rufus</i>	BCC	None	Nearby
Nuttall's woodpecker	<i>Picoides nuttallii</i>	BCC	None	On site
Lewis's woodpecker	<i>Melanerpes lewis</i>	BCC		Nearby
Vaux's swift	<i>Chaetura vauxi</i>	SSC2		Nearby
Willow flycatcher	<i>Epidomax trailii</i>	CE, BCC		On site
Olive-sided flycatcher	<i>Contopus cooperi</i>	BCC, SSC2		Nearby
Oak titmouse	<i>Baeolophus inornatus</i>	BCC	High	On site
Horned lark	<i>Eremophila alpestris</i>	WL		Nearby
Loggerhead shrike	<i>Lanius ludovicianus</i>	BCC, SSC2		Nearby
Yellow-billed magpie	<i>Pica nuttalli</i>	BCC		In region
San Francisco common yellowthroat	<i>Geothlypis trichas sinuosa</i>	SSC3	None	On site
Yellow warbler	<i>Setophaga petechia</i>	BCC, SSC2		Nearby
Yellow-breasted chat	<i>Icteria virens</i>	SSC3		Nearby
Oregon vesper sparrow	<i>Pooecetes gramineus affinis</i>	SSC2		In region
Grasshopper sparrow	<i>Ammodramus savannarum</i>	SSC2		Nearby
Summer tanager	<i>Piranga rubra</i>	SSC1		Nearby
Tricolored blackbird	<i>Agelaius tricolor</i>	CT, BCC	None	Nearby
Yellow-headed blackbird	<i>X. xanthocephalus</i>	SSC3		In region
Lawrence's goldfinch	<i>Spinus lawrencei</i>	BCC		Nearby
Pallid bat	<i>Antrozous pallidus</i>	SSC, WBWG H	None	Nearby
Townsend's big-eared bat	<i>Plecotus t. townsendii</i>	SSC, WBWG H		Nearby
Silver-haired bat	<i>Lasionycteris noctivagans</i>	WBWG:M		In region
Western red bat	<i>Lasiurus blossevillei</i>	SSC, WBWG H		Nearby
Little brown bat	<i>Myotis lucifugus</i>	WBWG:M		Very close
Canyon bat	<i>Parastrellus hesperus</i>	WBWG:M		In region
Small-footed myotis	<i>Myotis cililabrum</i>	WBWG M		In region
Miller's myotis	<i>Myotis evotis</i>	WBWG M		In region
Fringed myotis	<i>Myotis thysanodes</i>	WBWG H		In region

Species	Scientific name	Status <sup>1</sup>	Occurrence likelihood	
			WRA	eBird, iNaturalist, site visits
Long-legged myotis	<i>Myotis volans</i>	WBWG H		In range
Yuma myotis	<i>Myotis yumanensis</i>	WBWG LM		In range
Hoary bat	<i>Lasiurus cinereus</i>	WBWG LM	None	In region
American badger	<i>Taxidea taxus</i>	SSC	None	Nearby

<sup>1</sup> Listed as FT or FE = federally Threatened or Endangered, BGEPA = Bald and Golden Eagle Protection Act, BCC = US Fish and Wildlife Service's Bird Species of Conservation Concern, CT or CE = California Threatened or Endangered, CFP = California Fully Protected (California Fish and Game Code §3511 – birds; §4700 – mammals), BOP = California Fish and Game Code 3503.5 (Birds of prey), and SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3 (Shuford and Gardali 2008), WL = Taxa to Watch List (Shuford and Gardali 2008), WBWG = Western Bat Working Group with low, medium and high conservation priorities.

I disagree with WRA's (2020) analysis of potential impacts to California tiger salamander (CTS). According to WRA (2020:26), "Suitable breeding habitat for CTS are water bodies that typically support inundation during winter/spring and hold water for a minimum of 12 consecutive weeks in a year of average rainfall, which results in water remaining until May or longer. None of the drainage ditches within the proposed project area supported that type of ponding. As a result, the site is only suitable for upland habitat." The first problem with this conclusion is that its characterization of ponding on the site was based on a single site visit in late April during a drought year. I monitored many ponds for CTS. In one study (Smallwood and Morrison 2007), I monitored 64 ponds for CTS over two years. Whether ponds remained inundated through May varied between years. In the second year I found CTS larvae in ponds that did not remain inundated through May of the previous year. Therefore, ponds that were dry when WRA visited them in April 2020 could be inundated in another year, and they could support CTS. A single site visit is insufficient for determining the potential of the site for supporting breeding CTS.

I also disagree with WRA's (2020:27) assertion that "the small size of the parcel and the lack of tall trees preclude the potential for raptors to nest on the site." In my experience over several decades, I have often found raptors nesting in trees of stature similar to those on the project site, and on parcels even smaller than that of the project site. One can look to the successful nest of white-tailed kites right next door on an even smaller parcel and in a tree no larger than the trees on the project site. WRA's assertion lacks credibility.

Furthermore, I disagree with WRA's (2020:28) assertion that "The mitigation will be purchased from a mitigation bank that is within the Critical Habitat for the species. Therefore, no net loss of CTS Critical Habitat will occur." The habitat that would be purchased in a conservation bank already exists. The loss of habitat at the project site will not be replaced by new habitat. Therefore, a net loss of habitat will occur.

WRA's characterization of the wildlife community at the project site was grossly incomplete and misleading. A fair argument can be made for the need to prepare an EIR to more appropriately characterize the environmental setting, analyze impacts and formulate mitigation measures.

## **HABITAT LOSS**

The project would eliminate 2.01 acres of wildlife habitat. Habitat loss not only results in the immediate numerical decline of wildlife, but also in permanent loss of productive capacity (Smallwood 2015). For example, grassland/wetland/woodland complexes at two study sites had total bird nesting densities of 32.8 and 35.8 nests per acre (Young 1948, Yahner 1982) for an average 34.3 nests per acre. Applying this density to the project site, then 34.3 nests/acre multiplied against 2.01 acres would predict a loss of 69 bird nests. The average number of fledglings per nest in Young's (1948) study was 2.9. Assuming Young's (1948) study site typifies bird productivity, the project would prevent the production of 200 fledglings per year.

After 100 years and assuming an average generation time of 5 years, the lost capacity of both breeders and annual fledgling production can be estimated from the following formula:  $\{(nests/year \times chicks/nest \times number\ of\ years) + ((2\ adults/nest \times nests/year) \times (number\ of\ years \div years/generation))\}$ . In the case of this project, this formula would predict **the project would deny California 22,760 birds over the next century due solely to loss of terrestrial habitat**. This predicted loss would be substantial, and would qualify as significant impacts that have yet to be addressed by the IS/MND. A fair argument can be made for the need to prepare an EIR.

## WILDLIFE MOVEMENT

Based on WRA's (2020) analysis, the IS/MND's determination of less than significant impacts to wildlife in the region is flawed. For example, WRA (2020:16) concludes, "The study area is not located in an Essential Connectivity Area (defined as areas that are essential for ecological connectivity between blocks) (Spencer et al. 2010)." However, WRA misapplied the California Essential Habitat Connectivity Project. At <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18486> &inline, the California Essential Habitat Connectivity Project very specifically pointed out that it is not: "A California Department of Fish and Game or US Fish and Wildlife Service response to potential impacts to a habitat or species from a project subject to the California Environmental Quality Act (CEQA)," nor "Fine scale, with every important piece of habitat identified" nor "Essential", meaning the only places of importance" nor "A solution by itself for how to provide necessary linkages for any given species of plant or animal... Linkage designs will vary depending on focal species chosen and the goal of providing connected habitat for a chosen species might be met several different ways" nor "The final word on connectivity for California." With analytical grid cells of 2,000 acres, the spatial grain of the California Essential Habitat Connectivity Project is much too coarse for the conclusion drawn from it by WRA (2020).

In another example, WRA (2020:16) asserts, "The proposed construction will not be an impediment to any movement corridors in this area based on the separated nature of the individual units and a lack of fencing around the proposed development." WRA (2020) implies that whether a project would interfere with wildlife movement depends on whether it occurs within a movement corridor. This implication invokes a false CEQA standard. The primary phrase of the CEQA standard goes to wildlife movement regardless of whether the movement is channeled by a corridor. A site such as the proposed project site is critically important for wildlife movement because it composes an increasingly diminishing expanse of open space within a growing expanse of anthropogenic uses, forcing more species of volant wildlife to use the site as stopover and staging habitat during migration, dispersal, and home range patrol (Warnock 2010, Taylor et al. 2011, Runge et al. 2014). The project would cut wildlife off from stopover and staging habitat, forcing volant wildlife to travel even farther between remaining patches of stopover habitat. The project would interfere with wildlife movement in the region. An EIR needs to be prepared to more carefully analyze this impact.

## WINDOW COLLISIONS

The IS/MND includes no analysis of potential impact so birds that would be caused by bird-window collisions. Window collisions are often characterized as either the second or third largest source of human-caused bird mortality. The numbers behind these characterizations are often attributed to Klem's (1990) and Dunn's (1993) estimates of about 100 million to 1 billion bird fatalities in the USA, or more recently by Loss et al.'s (2014) estimate of 365-988 million bird fatalities in the USA or Calvert et al.'s (2013) and Machtans et al.'s (2013) estimates of 22.4 million and 25 million bird fatalities in Canada, respectively. The proposed project would impose windows in the airspace normally used by birds.

Other factors can add to bird-window collision risk. For example, homes with birdfeeders are associated with higher rates of window collisions than are homes without birdfeeders (Kummer and Bayne 2015, Kummer et al. 2016a), so the developed area might pose even greater hazard to birds if it includes numerous birdfeeders.

### Project Impact Prediction

By the time of these comments, I had reviewed and processed results of bird collision monitoring at 213 buildings and façades for which bird collisions per m<sup>2</sup> of glass per year could be calculated and averaged (Johnson and Hudson 1976, O'Connell 2001, Somerlot 2003, Hager et al. 2008, Borden et al. 2010, Hager et al. 2013, Porter and Huang 2015, Parkins et al. 2015, Kahle et al. 2016, Ocampo-Peñuela et al. 2016, Sabo et al. 2016, Barton et al. 2017, Gomez-Moreno et al. 2018, Schneider et al. 2018, Loss et al. 2019, Brown et al. 2020, City of Portland Bureau of Environmental Services and Portland Audubon 2020, Riding et al. 2020). These study results averaged 0.073 bird deaths per m<sup>2</sup> of glass per year (95% CI: 0.042-0.102). This average and its 95% confidence interval provide a robust basis for predicting fatality rates at a proposed new project, because the basis includes a variety of building sizes and heights and various window glass and window settings.

The IS/MND provides no information on the types and extents of windows that would be built into the dwelling units, but it does provide the square footage (s.f.) of floorspace of the homes. I therefore applied my own measurements of 0.0147368 m<sup>2</sup> of glass window extent per s.f. of floorspace in modern homes to the 25,000 s.f. of the proposed new home floorspace. Based on my measured rate, the proposed project would add 368 m<sup>2</sup> of new glass windows. Applying the mean fatality rate (above) to my estimate of 368 m<sup>2</sup> of glass windows predicts **27 bird deaths per year (95% CI: 16-38)**. The 100-year toll from this average annual fatality rate would be 2,700 bird deaths (95% CI: 1,600-3,800). The vast majority of these deaths would be of birds protected under the Migratory Bird Treaty Act and under the recently revised California Fish and Game Code section 3513, thus causing significant unmitigated impacts. Given the predicted level of bird-window collision mortality, and the absence of proposed mitigation in the IS/MND, it is my opinion that the project would result in potentially significant adverse biological impacts. An EIR needs to be prepared to appropriately address this impact.

Given the magnitude of bird-window collision impacts, there are obviously great opportunities for reducing and minimizing these impacts going forward. Proposed new structures can be more carefully sited, designed, and managed to minimize impacts. However, the costs of some of these measures can be high and can vary greatly, but most importantly the efficacies of many of these measures remain uncertain. Both the costs and effectiveness of all of these measures can be better understood through experimentation and careful scientific investigation. Post-construction fatality monitoring should be an essential feature of any new building project.

## HOUSE CATS

House cats likely would be brought to the project site by residents of the proposed residential units. However, the IS/MND does not address the impacts of house cats on wildlife. House cats serve as one of the largest sources of avian mortality in North America (Dauphiné and Cooper 2009, Blancher 2013, Loss et al. 2013, Loyd et al. 2017). Loss et al. (2013) estimated 139 million cats in the USA in 2013 (range 114 to 164 million), which killed an estimated 16.95 billion vertebrate wildlife annually (range 7.6 to 26.3 billion). In 2012 there were 0.44 house cats per human, and 122 vertebrate animals were killed per cat, free-ranging members of which killed disproportionately larger numbers of vertebrate wildlife. According to the IS/MND, the proposed project would add 32 new residents and 5 staff. The above rates applied to 37 new residents/staff **would add 16 cats, which would kill 1,952 vertebrate wildlife per year.**

If the above prediction seems unrealistic, I will add my own observations of the site while I visited it. I watched 3 house cats hunting for wildlife on the site while I was there. There were likely others I did not see. One captured a pocket gopher and carried it to a neighboring home. Even now, free-roaming house cats are taking a toll on wildlife at the project site. Adding more cats would intensify the impacts.

House cats also contribute to downstream loading of *Toxoplasma gondii*. According to a UC Davis wildlife health research program, "*Toxoplasma gondii* is a parasite that can infect virtually all warm-blooded animals, but the only known definitive hosts are cats – domesticated and feral house cats included. Cats catch the parasite through hunting rodents and birds and they offload it into the environment through their feces... and ...rain that falls on cement creates more runoff than rain that falls on natural earth, which contributes to increased runoff that can carry fecal pathogens to the sea" (<http://www.evotis.org/toxoplasma-gondii-sea-otters/>). An EIR needs to be prepared to address the impacts of house cats to wildlife.

## CUMULATIVE IMPACTS

The IS/MND characterizes cumulative effects as simply residual impacts of incomplete mitigation of project-level impacts. It asserts that environmental review performed for the City's General Plan will serve as an umbrella review to ensure adequate protection and management of biological resources in the City of Santa Rosa. If this was CEQA's standard, then cumulative effects analysis would be merely an analysis of mitigation

efficacy. And if that was the standard, then I must point out that few of the project-level impacts would be offset to any degree by the proposed mitigation measures. But the IS/MND's implied standard is not the standard of analysis of cumulative effects. CEQA defines cumulative impacts, and it outlines two general approaches for performing the analysis. Neither approach is implemented in the IS/MND. An EIR needs to be prepared to address potential cumulative impacts.

## **MITIGATION**

The proposed mitigation measures are largely premature and incomplete, having not been informed by adequate characterization of the environmental setting and analysis of potential impacts. Whether special-status species occur on site needs to be better established, as well as approximately how many of each species. Whether vernal pools occur on the project site needs to be determined. Whether bats roost on site needs to be determined.

The formulations of multiple mitigation measures are deferred to unspecified later dates, thereby precluding meaningful public participation with one of the most important aspects of CEQA review. An EIR should be prepared, and it should include more details of each mitigation measure.

**BIO-4 – Preconstruction surveys for nesting birds and raptors.** Whereas I agree that preconstruction surveys would be appropriate, I must add that preconstruction surveys should not be performed without first having performed detection surveys, as I explained earlier. Preconstruction surveys are no substitute for detection surveys. Prior to certification of an EIR, which I suggest needs to be prepared, species detection surveys are needed to (1) support negative findings of species when appropriate, (2) inform preconstruction surveys to improve their efficacy, (3) estimate project impacts, and (4) inform compensatory mitigation and other forms of mitigation. Detection survey protocols and guidelines are available from resource agencies for most special-status species. Otherwise, professional standards can be learned from the scientific literature and species' experts.

Preconstruction surveys ought also to be performed for bats, but the IS/MND proposes no such surveys.

It should be understood that preconstruction surveys, although warranted, actually achieve very little. Birds are very capable of hiding nest sites, and bats are very capable of hiding roost sites. Most bird nests and bat roost sites would be missed by preconstruction surveys. For this reason, compensatory mitigation is needed for those bird nests and bat roosts that will be missed by preconstruction surveys. Additionally, preconstruction surveys accomplish nothing in terms of mitigating mortality caused by collisions with windows and automobiles, predation by house cats, and by habitat loss. Compensatory mitigation is needed for these types of project impacts to wildlife.

## **RECOMMENDED MITIGATION**

### **Habitat Protection**

The IS/MND promises that CTS habitat would be conserved by payment of a compensatory mitigation fee to a conservation bank. However, many more special-status species would be significantly and adversely affected by this project. Compensatory mitigation would also be needed for impacts to these other species. Habitat should be permanently protected in the form of fee title or conservation easement, or a combination thereof. Habitat impacts should also be mitigated as near as possible to the project footprint, and it should be strategically implemented to reduce the effects of habitat fragmentation (Smallwood 2015).

I also recommend that 15 years of monitoring be performed for targeted special-status species on and around the conserved lands and within the neighborhood itself to further assess cumulative impacts. If the project goes forward, we should at least learn of the cumulative impacts as well as the performance of mitigation measures.

### **Guidelines on Home Design to Minimize Bird-Window Collisions**

If the project goes forward, it should at a minimum adhere to available Bird-Safe Guidelines, such as those prepared by American Bird Conservancy and New York and San Francisco. The American Bird Conservancy (ABC) produced an excellent set of guidelines recommending actions to: (1) Minimize use of glass; (2) Placing glass behind some type of screening (grilles, shutters, exterior shades); (3) Using glass with inherent properties to reduce collisions, such as patterns, window films, decals or tape; and (4) Turning off lights during migration seasons (Sheppard and Phillips 2015). The City of San Francisco (San Francisco Planning Department 2011) also has a set of building design guidelines, based on the excellent guidelines produced by the New York City Audubon Society (Orff et al. 2007). The ABC document and both the New York and San Francisco documents provide excellent alerting of potential bird-collision hazards as well as many visual examples. The San Francisco Planning Department's (2011) building design guidelines are more comprehensive than those of New York City, but they could have gone further. For example, the San Francisco guidelines probably should have also covered scientific monitoring of impacts as well as compensatory mitigation for impacts that could not be avoided, minimized or reduced.

Monitoring and the use of compensatory mitigation should be incorporated at any new building project because the measures recommended in the available guidelines remain of uncertain efficacy. Also, even if these measures are effective, they will not reduce collision fatalities to zero. The only way to assess mitigation efficacy and to quantify post-construction fatalities is to monitor the project for fatalities at residential homes.

### **House Cats**

If the project goes forward, a fund should be established for long-term management of house cats in the project. Management could include public education about the



environmental effects of outdoor and free-ranging cats. It could also include a program to spade and neuter cats, especially free-ranging cats. It could also involve some removals of feral cats.

### **Measures to Rectify Impacts**

Compensatory mitigation ought also to include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that would be delivered to these facilities for care. Most of the injuries likely would be caused by collisions with windows and automobiles, and by attacks by house cats. Many of these animals would need treatment by wildlife rehabilitation facilities.

Thank you for your attention,



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Shawn Smallwood, Ph.D.

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# Kenneth Shawn Smallwood

## Curriculum Vitae

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Born May 3, 1963 in  
Sacramento, California.  
Married, father of two.

## Ecologist

### Expertise

- Finding solutions to controversial problems related to wildlife interactions with human industry, infrastructure, and activities;
- Wildlife monitoring and field study using GPS, thermal imaging, behavior surveys;
- Using systems analysis and experimental design principles to identify meaningful ecological patterns that inform management decisions.

### Education

Ph.D. Ecology, University of California, Davis. September 1990.  
M.S. Ecology, University of California, Davis. June 1987.  
B.S. Anthropology, University of California, Davis. June 1985.  
Corcoran High School, Corcoran, California. June 1981.

### Experience

- 668 professional publications, including:
  - 88 peer reviewed publications
  - 24 in non-reviewed proceedings
- 554 reports, declarations, posters and book reviews
- 8 in mass media outlets
- 87 public presentations of research results

Editing for scientific journals: Guest Editor, *Wildlife Society Bulletin*, 2012-2013, of invited papers representing international views on the impacts of wind energy on wildlife and how to mitigate the impacts. Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007. Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004. Associate Editor, *Biological Conservation*, 9/1994 to 9/1995.

Member, Alameda County Scientific Review Committee (SRC), August 2006 to April 2011. The five-member committee investigated causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and recommended mitigation and monitoring measures. The SRC reviewed the science underlying the Alameda County Avian Protection Program, and advised

the County on how to reduce wildlife fatalities.

Consulting Ecologist, 2004-2007, California Energy Commission (CEC). Provided consulting services as needed to the CEC on renewable energy impacts, monitoring and research, and produced several reports. Also collaborated with Lawrence-Livermore National Lab on research to understand and reduce wind turbine impacts on wildlife.

Consulting Ecologist, 1999-2013, U.S. Navy. Performed endangered species surveys, hazardous waste site monitoring, and habitat restoration for the endangered San Joaquin kangaroo rat, California tiger salamander, California red-legged frog, California clapper rail, western burrowing owl, salt marsh harvest mouse, and other species at Naval Air Station Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; National Radio Transmitter Facility, Dixon; and, Naval Outlying Landing Field Imperial Beach.

Part-time Lecturer, 1998-2005, California State University, Sacramento. Instructed Mammalogy, Behavioral Ecology, and Ornithology Lab, Contemporary Environmental Issues, Natural Resources Conservation.

Senior Ecologist, 1999-2005, BioResource Consultants. Designed and implemented research and monitoring studies related to avian fatalities at wind turbines, avian electrocutions on electric distribution poles across California, and avian fatalities at transmission lines.

Chairman, Conservation Affairs Committee, The Wildlife Society--Western Section, 1999-2001. Prepared position statements and led efforts directed toward conservation issues, including travel to Washington, D.C. to lobby Congress for more wildlife conservation funding.

Systems Ecologist, 1995-2000, Institute for Sustainable Development. Headed ISD's program on integrated resources management. Developed indicators of ecological integrity for large areas, using remotely sensed data, local community involvement and GIS.

Associate, 1997-1998, Department of Agronomy and Range Science, University of California, Davis. Worked with Shu Geng and Mingua Zhang on several studies related to wildlife interactions with agriculture and patterns of fertilizer and pesticide residues in groundwater across a large landscape.

Lead Scientist, 1996-1999, National Endangered Species Network. Informed academic scientists and environmental activists about emerging issues regarding the Endangered Species Act and other environmental laws. Testified at public hearings on endangered species issues.

Ecologist, 1997-1998, Western Foundation of Vertebrate Zoology. Conducted field research to determine the impact of past mercury mining on the status of California red-legged frogs in Santa Clara County, California.

Senior Systems Ecologist, 1994-1995, EIP Associates, Sacramento, California. Provided consulting services in environmental planning, and quantitative assessment of land units for their conservation and restoration opportunities based on ecological resource requirements of 29 special-status species. Developed ecological indicators for prioritizing areas within Yolo County

to receive mitigation funds for habitat easements and restoration.

Post-Graduate Researcher, 1990-1994, Department of Agronomy and Range Science, *U.C. Davis*. Under Dr. Shu Geng's mentorship, studied landscape and management effects on temporal and spatial patterns of abundance among pocket gophers and species of Falconiformes and Carnivora in the Sacramento Valley. Managed and analyzed a data base of energy use in California agriculture. Assisted with landscape (GIS) study of groundwater contamination across Tulare County, California.

Work experience in graduate school: Co-taught Conservation Biology with Dr. Christine Schonewald, 1991 & 1993, UC Davis Graduate Group in Ecology; Reader for Dr. Richard Coss's course on Psychobiology in 1990, UC Davis Department of Psychology; Research Assistant to Dr. Walter E. Howard, 1988-1990, UC Davis Department of Wildlife and Fisheries Biology, testing durable baits for pocket gopher management in forest clearcuts; Research Assistant to Dr. Terrell P. Salmon, 1987-1988, UC Wildlife Extension, Department of Wildlife and Fisheries Biology, developing empirical models of mammal and bird invasions in North America, and a rating system for priority research and control of exotic species based on economic, environmental and human health hazards in California. Student Assistant to Dr. E. Lee Fitzhugh, 1985-1987, UC Cooperative Extension, Department of Wildlife and Fisheries Biology, developing and implementing statewide mountain lion track count for long-term monitoring.

Fulbright Research Fellow, Indonesia, 1988. Tested use of new sampling methods for numerical monitoring of Sumatran tiger and six other species of endemic felids, and evaluated methods used by other researchers.

## Projects

Repowering wind energy projects through careful siting of new wind turbines using map-based collision hazard models to minimize impacts to volant wildlife. Funded by wind companies (principally NextEra Renewable Energy, Inc.), California Energy Commission and East Bay Regional Park District, I have collaborated with a GIS analyst and managed a crew of five field biologists performing golden eagle behavior surveys and nocturnal surveys on bats and owls. The goal is to quantify flight patterns for development of predictive models to more carefully site new wind turbines in repowering projects. Focused behavior surveys began May 2012 and continue. Collision hazard models have been prepared for seven wind projects, three of which were built. Planning for additional repowering projects is underway.

Test avian safety of new mixer-ejector wind turbine (MEWT). Designed and implemented a before-after, control-impact experimental design to test the avian safety of a new, shrouded wind turbine developed by Ogin Inc. (formerly known as FloDesign Wind Turbine Corporation). Supported by a \$718,000 grant from the California Energy Commission's Public Interest Energy Research program and a 20% match share contribution from Ogin, I managed a crew of seven field biologists who performed periodic fatality searches and behavior surveys, carcass detection trials, nocturnal behavior surveys using a thermal camera, and spatial analyses with the collaboration of a GIS analyst. Field work began 1 April 2012 and ended 30 March 2015 without Ogin installing its MEWTs, but we still achieved multiple important scientific advances.

Reduce avian mortality due to wind turbines at Altamont Pass. Studied wildlife impacts caused by 5,400 wind turbines at the world's most notorious wind resource area. Studied how impacts are perceived by monitoring and how they are affected by terrain, wind patterns, food resources, range management practices, wind turbine operations, seasonal patterns, population cycles, infrastructure management such as electric distribution, animal behavior and social interactions.

Reduce avian mortality on electric distribution poles. Directed research toward reducing bird electrocutions on electric distribution poles, 2000-2007. Oversaw 5 founts of fatality searches at 10,000 poles from Orange County to Glenn County, California, and produced two large reports.

Cook *et al.* v. Rockwell International *et al.*, No. 90-K-181 (D. Colorado). Provided expert testimony on the role of burrowing animals in affecting the fate of buried and surface-deposited radioactive and hazardous chemical wastes at the Rocky Flats Plant, Colorado. Provided expert reports based on four site visits and an extensive document review of burrowing animals. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals. I testified in federal court in November 2005, and my clients were subsequently awarded a \$553,000,000 judgment by a jury. After appeals the award was increased to two billion dollars.

Hanford Nuclear Reservation Litigation. Provided expert testimony on the role of burrowing animals in affecting the fate of buried radioactive wastes at the Hanford Nuclear Reservation, Washington. Provided three expert reports based on three site visits and extensive document review. Predicted and verified a certain population density of pocket gophers on buried waste structures, as well as incidence of radionuclide contamination in body tissue. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals.

Expert testimony and declarations on proposed residential and commercial developments, gas-fired power plants, wind, solar and geothermal projects, water transfers and water transfer delivery systems, endangered species recovery plans, Habitat Conservation Plans and Natural Communities Conservation Programs. Testified before multiple government agencies, Tribunals, Boards of Supervisors and City Councils, and participated with press conferences and depositions. Prepared expert witness reports and court declarations, which are summarized under Reports (below).

Protocol-level surveys for special-status species. Used California Department of Fish and Wildlife and US Fish and Wildlife Service protocols to search for California red-legged frog, California tiger salamander, arroyo southwestern toad, blunt-nosed leopard lizard, western pond turtle, giant kangaroo rat, San Joaquin kangaroo rat, San Joaquin kit fox, western burrowing owl, Swainson's hawk, Valley elderberry longhorn beetle and other special-status species.

Conservation of San Joaquin kangaroo rat. Performed research to identify factors responsible for the decline of this endangered species at Lemoore Naval Air Station, 2000-2013, and implemented habitat enhancements designed to reverse the trend and expand the population.

Impact of West Nile Virus on yellow-billed magpies. Funded by Sacramento-Yolo Mosquito and Vector Control District, 2005-2008, compared survey results pre- and post-West Nile Virus epidemic for multiple bird species in the Sacramento Valley, particularly on yellow-billed magpie and American crow due to susceptibility to WNV.



Workshops on HCPs. Assisted Dr. Michael Morrison with organizing and conducting a 2-day workshop on Habitat Conservation Plans, sponsored by Southern California Edison, and another 1-day workshop sponsored by PG&E. These Workshops were attended by academics, attorneys, and consultants with HCP experience. We guest-edited a Proceedings published in Environmental Management.

Mapping of biological resources along Highways 101, 46 and 41. Used GPS and GIS to delineate vegetation complexes and locations of special-status species along 26 miles of highway in San Luis Obispo County, 14 miles of highway and roadway in Monterey County, and in a large area north of Fresno, including within reclaimed gravel mining pits.

GPS mapping and monitoring at restoration sites and at Caltrans mitigation sites. Monitored the success of elderberry shrubs at one location, the success of willows at another location, and the response of wildlife to the succession of vegetation at both sites. Also used GPS to monitor the response of fossorial animals to yellow star-thistle eradication and natural grassland restoration efforts at Bear Valley in Colusa County and at the decommissioned Mather Air Force Base in Sacramento County.

Mercury effects on Red-legged Frog. Assisted Dr. Michael Morrison and US Fish and Wildlife Service in assessing the possible impacts of historical mercury mining on the federally listed California red-legged frog in Santa Clara County. Also measured habitat variables in streams.

Opposition to proposed No Surprises rule. Wrote a white paper and summary letter explaining scientific grounds for opposing the incidental take permit (ITP) rules providing ITP applicants and holders with general assurances they will be free of compliance with the Endangered Species Act once they adhere to the terms of a “properly functioning HCP.” Submitted 188 signatures of scientists and environmental professionals concerned about No Surprises rule US Fish and Wildlife Service, National Marine Fisheries Service, all US Senators.

Natomas Basin Habitat Conservation Plan alternative. Designed narrow channel marsh to increase the likelihood of survival and recovery in the wild of giant garter snake, Swainson’s hawk and Valley Elderberry Longhorn Beetle. The design included replication and interspersed of treatments for experimental testing of critical habitat elements. I provided a report to Northern Territories, Inc.

Assessments of agricultural production system and environmental technology transfer to China. Twice visited China and interviewed scientists, industrialists, agriculturalists, and the Directors of the Chinese Environmental Protection Agency and the Department of Agriculture to assess the need and possible pathways for environmental clean-up technologies and trade opportunities between the US and China.

Yolo County Habitat Conservation Plan. Conducted landscape ecology study of Yolo County to spatially prioritize allocation of mitigation efforts to improve ecosystem functionality within the County from the perspective of 29 special-status species of wildlife and plants. Used a hierarchically structured indicators approach to apply principles of landscape and ecosystem ecology, conservation biology, and local values in rating land units. Derived GIS maps to help guide the conservation area design, and then developed implementation strategies.

Mountain lion track count. Developed and conducted a carnivore monitoring program throughout California since 1985. Species counted include mountain lion, bobcat, black bear, coyote, red and gray fox, raccoon, striped skunk, badger, and black-tailed deer. Vegetation and land use are also monitored. Track survey transect was established on dusty, dirt roads within randomly selected quadrats.

Sumatran tiger and other felids. Upon award of Fulbright Research Fellowship, I designed and initiated track counts for seven species of wild cats in Sumatra, including Sumatran tiger, fishing cat, and golden cat. Spent four months on Sumatra and Java in 1988, and learned Bahasa Indonesia, the official Indonesian language.

Wildlife in agriculture. Beginning as post-graduate research, I studied pocket gophers and other wildlife in 40 alfalfa fields throughout the Sacramento Valley, and I surveyed for wildlife along a 200 mile road transect since 1989 with a hiatus of 1996-2004. The data are analyzed using GIS and methods from landscape ecology, and the results published and presented orally to farming groups in California and elsewhere. I also conducted the first study of wildlife in cover crops used on vineyards and orchards.

Agricultural energy use and Tulare County groundwater study. Developed and analyzed a data base of energy use in California agriculture, and collaborated on a landscape (GIS) study of groundwater contamination across Tulare County, California.

Pocket gopher damage in forest clear-cuts. Developed gopher sampling methods and tested various poison baits and baiting regimes in the largest-ever field study of pocket gopher management in forest plantations, involving 68 research plots in 55 clear-cuts among 6 National Forests in northern California.

Risk assessment of exotic species in North America. Developed empirical models of mammal and bird species invasions in North America, as well as a rating system for assigning priority research and control to exotic species in California, based on economic, environmental, and human health hazards.

### **Peer Reviewed Publications**

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Smallwood, K. S., and D. A. Bell. 2020. Relating bat passage rates to wind turbine fatalities. *Diversity* 12(84); doi:10.3390/d12020084.

Smallwood, K. S., and D. A. Bell. 2020. Effects of wind turbine curtailment on bird and bat fatalities. *Journal of Wildlife Management* 84:684-696. DOI: 10.1002/jwmg.21844

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Smallwood, K. S., D. A. Bell, E. L. Walther, E. Leyvas, S. Standish, J. Mount, B. Karas. 2018. Estimating wind turbine fatalities using integrated detection trials. *Journal of Wildlife Management* 82:1169-1184.

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### **Comments on Environmental Documents (Year; pages)**

I was retained or commissioned to comment on environmental planning and review documents, including:

- Replies on UCSF Comprehensive Parnassus Heights Plan EIR (2021; 13);
- 14 Charles Hill Circle Design Review (2021; 11);
- SDG Commerce 217 Warehouse IS, American Canyon (2021; 26);
- Mulqueeney Ranch Wind Repowering Project DSEIR (2021; 98);
- Clawiter Road Industrial Project IS/MND, Hayward (2021; 18);
- Garnet Energy Center Stipulations, New York (2020);
- Heritage Wind Energy Project, New York (2020: 71);
- Ameresco Keller Canyon RNG Project IS/MND, Martinez (2020; 11);

- Cambria Hotel Project Staff Report, Dublin (2020; 19);
- Central Pointe Mixed-Use Staff Report, Santa Ana (2020; 20);
- Oak Valley Town Center EIR Addendum, Calimesa (2020; 23);
- Coachillin Specific Plan MND Amendment, Desert Hot Springs (2020; 26);
- Stockton Avenue Hotel and Condominiums Project Tiering to EIR, San Jose (2020; 19);
- Cityline Sub-block 3 South Staff Report, Sunyvale (2020; 22);
- Station East Residential/Mixed Use EIR, Union City (2020; 21);
- Multi-Sport Complex & Southeast Industrial Annexation Suppl. EIR, Elk Grove (2020; 24);
- Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2020; 27);
- 2<sup>nd</sup> comments on 1296 Lawrence Station Road, Sunnyvale (2020; 4);
- 1296 Lawrence Station Road, Sunnyvale (2020; 16);
- Mesa Wind Project EA, Desert Hot Springs (2020; 31);
- 11th Street Development Project IS/MND, City of Upland (2020; 17);
- Vista Mar Project IS/MND, Pacifica (2020; 17);
- Emerson Creek Wind Project Application, Ohio (2020; 64);
- Replies on Wister Solar Energy Facility EIR, Imperial County (2020; 12);
- Wister Solar Energy Facility EIR, Imperial County (2020; 28);
- Crimson Solar EIS/EIR, Mojave Desert (2020, 35) not submitted;
- Sakioka Farms EIR tiering, Oxnard (2020; 14);
- 3440 Wilshire Project IS/MND, Los Angeles (2020; 19);
- Replies on 2400 Barranca Office Development Project EIR, Irvine (2020; 8);
- 2400 Barranca Office Development Project EIR, Irvine (2020; 25);
- Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 4);
- 2<sup>nd</sup> comments on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 8);
- Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 3);
- Lots 4-12 Oddstad Way Project IS/MND, Pacifica (2020; 16);
- Declaration on DDG Visalia Warehouse project (2020; 5);
- Terraces of Lafayette EIR Addendum (2020; 24);
- AMG Industrial Annex IS/MND, Los Banos (2020; 15);
- Replies to responses on Casmalia and Linden Warehouse (2020; 15);
- Clover Project MND, Petaluma (2020; 27);
- Ruby Street Apartments Project Env. Checklist, Hayward (2020; 20);
- Replies to responses on 3721 Mt. Diablo Boulevard Staff Report (2020; 5);
- 3721 Mt. Diablo Boulevard Staff Report (2020; 9);
- Steeno Warehouse IS/MND, Hesperia (2020; 19);
- UCSF Comprehensive Parnassus Heights Plan EIR (2020; 24);
- North Pointe Business Center MND, Fresno (2020; 14);
- Casmalia and Linden Warehouse IS, Fontana (2020; 15);
- Rubidoux Commerce Center Project IS/MND, Jurupa Valley (2020; 27);
- Haun and Holland Mixed Use Center MND, Menifee (2020; 23);
- First Industrial Logistics Center II, Moreno Valley IS/MND (2020; 23);
- GLP Store Warehouse Project Staff Report (2020; 15);
- Replies on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 29);
- 2<sup>nd</sup> comments on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 34);

- Beale WAPA Interconnection Project EA & CEQA checklist (2020; 30);
- Levine-Fricke Softball Field Improvement Addendum, UC Berkeley (2020; 16);
- Greenlaw Partners Warehouse and Distribution Center Staff Report, Palmdale (2020; 14);
- Humboldt Wind Energy Project DEIR (2019; 25);
- Sand Hill Supplemental EIR, Altamont Pass (2019; 17);
- 1700 Dell Avenue Office Project, Campbell (2019, 28);
- 1180 Main Street Office Project MND, Redwood City (2019; 19);
- Summit Ridge Wind Farm Request for Amendment 4, Oregon (2019; 46);
- Shafter Warehouse Staff Report (2019; 4);
- Park & Broadway Design Review, San Diego (2019; 19);
- Pinnacle Pacific Heights Design Review, San Diego (2019; 19);
- Pinnacle Park & C Design Review, San Diego (2019; 19);
- Preserve at Torrey Highlands EIR, San Diego (2019; 24);
- Santana West Project EIR Addendum, San Jose (2019; 18);
- The Ranch at Eastvale EIR Addendum, Riverside County (2020; 19);
- Hageman Warehouse IS/MND, Bakersfield (2019; 13);
- Oakley Logistics Center EIR, Antioch (2019; 22);
- 27 South First Street IS, San Jose (2019; 23);
- 2<sup>nd</sup> replies on Times Mirror Square Project EIR, Los Angeles (2020; 11);
- Replies on Times Mirror Square Project EIR, Los Angeles (2020; 13);
- Times Mirror Square Project EIR, Los Angeles (2019; 18);
- East Monte Vista & Aviator General Plan Amend EIR Addendum, Vacaville (2019; 22);
- Hillcrest LRDP EIR, La Jolla (2019; 36);
- 555 Portola Road CUP, Portola Valley (2019; 11);
- Johnson Drive Economic Development Zone SEIR, Pleasanton (2019; 27);
- 1750 Broadway Project CEQA Exemption, Oakland (2019; 19);
- Mor Furniture Project MND, Murietta Hot Springs (2019; 27);
- Harbor View Project EIR, Redwood City (2019; 26);
- Visalia Logistics Center (2019; 13);
- Cordelia Industrial Buildings MND (2019; 14);
- Scheu Distribution Center IS/ND, Rancho Cucamonga (2019; 13);
- Mills Park Center Staff Report, San Bruno (2019; 22);
- Site visit to Desert Highway Farms IS/MND, Imperial County (2019; 9);
- Desert Highway Farms IS/MND, Imperial County (2019; 12);
- ExxonMobil Interim Trucking for Santa Ynez Unit Restart SEIR, Santa Barbara (2019; 9);
- Olympic Holdings Inland Center Warehouse Project MND, Rancho Cucamonga (2019; 14);
- Replies to responses on Lawrence Equipment Industrial Warehouse, Banning (2019; 19);
- PARS Global Storage MND, Murietta (2019; 13);
- Slover Warehouse EIR Addendum, Fontana (2019; 16);
- Seefried Warehouse Project IS/MND, Lathrop (2019; 19)
- World Logistics Center Site Visit, Moreno Valley (2019; 19);
- Merced Landfill Gas-To-Energy Project IS/MND (2019; 12);
- West Village Expansion FEIR, UC Davis (2019; 11);
- Site visit, Doheny Ocean Desalination EIR, Dana Point (2019; 11);

- Replies to responses on Avalon West Valley Expansion EIR, San Jose (2019; 10);
- Avalon West Valley Expansion EIR, San Jose (2019; 22);
- Sunroad – Otay 50 EIR Addendum, San Diego (2019; 26);
- Del Rey Pointe Residential Project IS/MND, Los Angeles (2019; 34);
- 1 AMD Redevelopment EIR, Sunnyvale (2019; 22);
- Lawrence Equipment Industrial Warehouse IS/MND, Banning (2019; 14);
- SDG Commerce 330 Warehouse IS, American Canyon (2019; 21);
- PAMA Business Center IS/MND, Moreno Valley (2019; 23);
- Cupertino Village Hotel IS (2019; 24);
- Lake House IS/ND, Lodi (2019; 33);
- Campo Wind Project DEIS, San Diego County (DEIS, (2019; 14);
- Stirling Warehouse MND site visit, Victorville (2019; 7);
- Green Valley II Mixed-Use Project EIR, Fairfield (2019; 36);
- We Be Jammin rezone MND, Fresno (2019; 14);
- Gray Whale Cove Pedestrian Crossing IS/ND, Pacifica (2019; 7);
- Visalia Logistics Center & DDG 697V Staff Report (2019; 9);
- Mather South Community Masterplan Project EIR (2019; 35);
- Del Hombre Apartments EIR, Walnut Creek (2019; 23);
- Otay Ranch Planning Area 12 EIR Addendum, Chula Vista (2019; 21);
- The Retreat at Sacramento IS/MND (2019; 26);
- Site visit to Sunroad – Centrum 6 EIR Addendum, San Diego (2019; 9);
- Sunroad – Centrum 6 EIR Addendum, San Diego (2018; 22);
- North First and Brokaw Corporate Campus Buildings EIR Addendum, San Jose (2018; 30);
- South Lake Solar IS, Fresno County (2018; 18);
- Galloo Island Wind Project Application, New York (not submitted) (2018; 44);
- Doheny Ocean Desalination EIR, Dana Point (2018; 15);
- Stirling Warehouse MND, Victorville (2018; 18);
- LDK Warehouse MND, Vacaville (2018; 30);
- Gateway Crossings FEIR, Santa Clara (2018; 23);
- South Hayward Development IS/MND (2018; 9);
- CBU Specific Plan Amendment, Riverside (2018; 27);
- 2<sup>nd</sup> replies to responses on Dove Hill Road Assisted Living Project MND (2018; 11);
- Replies to responses on Dove Hill Road Assisted Living Project MND (2018; 7);
- Dove Hill Road Assisted Living Project MND (2018; 12);
- Deer Ridge/Shadow Lakes Golf Course EIR, Brentwood (2018; 21);
- Pyramid Asphalt BLM Finding of No Significance, Imperial County (2018; 22);
- Amáre Apartments IS/MND, Martinez (2018; 15);
- Petaluma Hill Road Cannabis MND, Santa Rosa (2018; 21);
- 2<sup>nd</sup> comments on Zeiss Innovation Center IS/MND, Dublin (2018; 12);
- Zeiss Innovation Center IS/MND, Dublin (2018; 32);
- City of Hope Campus Plan EIR, Duarte (2018; 21);
- Palo Verde Center IS/MND, Blythe (2018; 14);
- Logisticenter at Vacaville MND (2018; 24);
- IKEA Retail Center SEIR, Dublin (2018; 17);

- Merge 56 EIR, San Diego (2018; 15);
- Natomas Crossroads Quad B Office Project P18-014 EIR, Sacramento (2018; 12);
- 2900 Harbor Bay Parkway Staff Report, Alameda (2018; 30);
- At Dublin EIR, Dublin (2018; 25);
- Fresno Industrial Rezone Amendment Application No. 3807 IS (2018; 10);
- Nova Business Park IS/MND, Napa (2018; 18);
- Updated Collision Risk Model Priors for Estimating Eagle Fatalities, USFWS (2018; 57);
- 750 Marlborough Avenue Warehouse MND, Riverside (2018; 14);
- Replies to responses on San Bernardino Logistics Center IS (2018; 12);
- San Bernardino Logistics Center IS (2018; 19);
- CUP2017-16, Costco IS/MND, Clovis (2018; 11);
- Desert Land Ventures Specific Plan EIR, Desert Hot Springs (2018; 18);
- Ventura Hilton IS/MND (2018; 30);
- North of California Street Master Plan Project IS, Mountain View (2018; 11);
- Tamarind Warehouse MND, Fontana (2018; 16);
- Lathrop Gateway Business Park EIR Addendum (2018; 23);
- Centerpointe Commerce Center IS, Moreno Valley (2019; 18);
- Amazon Warehouse Notice of Exemption, Bakersfield (2018; 13);
- CenterPoint Building 3 project Staff Report, Manteca (2018; 23);
- Cessna & Aviator Warehouse IS/MND, Vacaville (2018; 24);
- Napa Airport Corporate Center EIR, American Canyon (2018, 15);
- 800 Opal Warehouse Initial Study, Mentone, San Bernardino County (2018; 18);
- 2695 W. Winton Ave Industrial Project IS, Hayward (2018; 22);
- Trinity Cannabis Cultivation and Manufacturing Facility DEIR, Calexico (2018; 15);
- Shoe Palace Expansion IS/MND, Morgan Hill (2018; 21);
- Newark Warehouse at Morton Salt Plant Staff Report (2018; 15);
- Northlake Specific Plan FEIR “Peer Review”, Los Angeles County (2018; 9);
- Replies to responses on Northlake Specific Plan SEIR, Los Angeles County (2018; 13);
- Northlake Specific Plan SEIR, Los Angeles County (2017; 27);
- Bogle Wind Turbine DEIR, east Yolo County (2017; 48);
- Ferrante Apartments IS/MND, Los Angeles (2017; 14);
- The Villages of Lakeview EIR, Riverside (2017; 28);
- Data Needed for Assessing Trail Management Impacts on Northern Spotted Owl, Marin County (2017; 5);
- Notes on Proposed Study Options for Trail Impacts on Northern Spotted Owl (2017; 4);
- Pyramid Asphalt IS, Imperial County (Declaration) (2017; 5);
- San Geronio Crossings EIR, Riverside County (2017; 22);
- Replies to responses on Jupiter Project IS and MND, Apple Valley (2017; 12);
- Proposed World Logistics Center Mitigation Measures, Moreno Valley (2017, 2019; 12);
- MacArthur Transit Village Project Modified 2016 CEQA Analysis (2017; 12);
- PG&E Company Bay Area Operations and Maintenance HCP (2017; 45);
- Central SoMa Plan DEIR (2017; 14);
- Suggested mitigation for trail impacts on northern spotted owl, Marin County (2016; 5);
- Colony Commerce Center Specific Plan DEIR, Ontario (2016; 16);

- Fairway Trails Improvements MND, Marin County (2016; 13);
- Review of Avian-Solar Science Plan (2016; 28);
- Replies on Pyramid Asphalt IS, Imperial County (2016; 5);
- Pyramid Asphalt IS, Imperial County (2016; 4);
- Agua Mansa Distribution Warehouse Project Initial Study (2016; 14);
- Santa Anita Warehouse MND, Rancho Cucamonga (2016; 12);
- CapRock Distribution Center III DEIR, Rialto (2016: 12);
- Orange Show Logistics Center IS/MND, San Bernardino (2016; 9);
- City of Palmdale Oasis Medical Village Project IS/MND (2016; 7);
- Comments on proposed rule for incidental eagle take, USFWS (2016, 49);
- Replies on Grapevine Specific and Community Plan FEIR, Kern County (2016; 25);
- Grapevine Specific and Community Plan DEIR, Kern County (2016; 15);
- Clinton County Zoning Ordinance for Wind Turbine siting (2016);
- Hallmark at Shenandoah Warehouse Project Initial Study, San Bernardino (2016; 6);
- Tri-City Industrial Complex Initial Study, San Bernardino (2016; 5);
- Hidden Canyon Industrial Park Plot Plan 16-PP-02, Beaumont (2016; 12);
- Kimball Business Park DEIR (2016; 10);
- Jupiter Project IS and MND, Apple Valley, San Bernardino County (2016; 9);
- Revised Draft Giant Garter Snake Recovery Plan of 2015 (2016, 18);
- Palo Verde Mesa Solar Project EIR, Blythe (2016; 27);
- Reply on Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 14);
- Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 41);
- Reply on Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 38);
- Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 31);
- Second Reply on White Pines Wind Farm, Ontario (2015, 6);
- Reply on White Pines Wind Farm Natural Heritage Assessment, Ontario (2015, 10);
- White Pines Wind Farm Natural Heritage Assessment, Ontario (2015, 9);
- Proposed Section 24 Specific Plan Agua Caliente Band of Cahuilla Indians DEIS (2015, 9);
- Replies on 24 Specific Plan Agua Caliente Band of Cahuilla Indians FEIS (2015, 6);
- Willow Springs Solar Photovoltaic Project DEIR, Rosamond (2015; 28);
- Sierra Lakes Commerce Center Project DEIR, Fontana (2015, 9);
- Columbia Business Center MND, Riverside (2015; 8);
- West Valley Logistics Center Specific Plan DEIR, Fontana (2015, 10);
- Willow Springs Solar Photovoltaic Project DEIR (2015, 28);
- Alameda Creek Bridge Replacement Project DEIR (2015, 10);
- World Logistic Center Specific Plan FEIR, Moreno Valley (2015, 12);
- Elkhorn Valley Wind Power Project Impacts, Oregon (2015; 143);
- Bay Delta Conservation Plan EIR/EIS, Sacramento (2014, 21);
- Addison Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Addison Wind Energy Project DEIR, Mojave (2014, 15);
- Addison and Rising Tree Wind Energy Project FEIR, Mojave (2014, 12);
- Palen Solar Electric Generating System FSA (CEC), Blythe (2014, 20);
- Rebuttal testimony on Palen Solar Energy Generating System (2014, 9);
- Seven Mile Hill and Glenrock/Rolling Hills impacts + Addendum, Wyoming (2014; 105);

- Rising Tree Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Rising Tree Wind Energy Project DEIR, Mojave (2014, 15);
- Soitec Solar Development Project PEIR, Boulevard, San Diego County (2014, 18);
- Oakland Zoo expansion on Alameda whipsnake and California red-legged frog (2014; 3);
- Alta East Wind Energy Project FEIS, Tehachapi Pass (2013, 23);
- Blythe Solar Power Project Staff Assessment, California Energy Commission (2013, 16);
- Clearwater and Yakima Solar Projects DEIR, Kern County (2013, 9);
- West Antelope Solar Energy Project IS/MND, Antelope Valley (2013, 18);
- Cuyama Solar Project DEIR, Carrizo Plain (2014, 19);
- Desert Renewable Energy Conservation Plan (DRECP) EIR/EIS (2015, 49);
- Kingbird Solar Photovoltaic Project EIR, Kern County (2013, 19);
- Lucerne Valley Solar Project IS/MND, San Bernardino County (2013, 12);
- Tule Wind project FEIR/FEIS (Declaration) (2013; 31);
- Sunlight Partners LANDPRO Solar Project MND (2013; 11);
- Declaration in opposition to BLM fracking (2013; 5);
- Blythe Energy Project (solar) CEC Staff Assessment (2013;16);
- Rosamond Solar Project EIR Addendum, Kern County (2013; 13);
- Pioneer Green Solar Project EIR, Bakersfield (2013; 13);
- Replies on Soccer Center Solar Project MND (2013; 6);
- Soccer Center Solar Project MND, Lancaster (2013; 10);
- Plainview Solar Works MND, Lancaster (2013; 10);
- Alamo Solar Project MND, Mojave Desert (2013; 15);
- Replies on Imperial Valley Solar Company 2 Project (2013; 10);
- Imperial Valley Solar Company 2 Project (2013; 13);
- FRV Orion Solar Project DEIR, Kern County (PP12232) (2013; 9);
- Casa Diablo IV Geothermal Development Project (2013; 6);
- Reply on Casa Diablo IV Geothermal Development Project (2013; 8);
- Alta East Wind Project FEIS, Tehachapi Pass (2013; 23);
- Metropolitan Air Park DEIR, City of San Diego (2013; );
- Davidon Homes Tentative Subdivision Rezoning Project DEIR, Petaluma (2013; 9);
- Oakland Zoo Expansion Impacts on Alameda Whipsnake (2013; 10);
- Campo Verde Solar project FEIR, Imperial Valley (2013; 11pp);
- Neg Dec comments on Davis Sewer Trunk Rehabilitation (2013; 8);
- North Steens Transmission Line FEIS, Oregon (Declaration) (2012; 62);
- Summer Solar and Springtime Solar Projects Ism Lancaster (2012; 8);
- J&J Ranch, 24 Adobe Lane Environmental Review, Orinda (2012; 14);
- Replies on Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 8);
- Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 9);
- Desert Harvest Solar Project EIS, near Joshua Tree (2012; 15);
- Solar Gen 2 Array Project DEIR, El Centro (2012; 16);
- Ocotillo Sol Project EIS, Imperial Valley (2012; 4);
- Beacon Photovoltaic Project DEIR, Kern County (2012; 5);
- Butte Water District 2012 Water Transfer Program IS/MND (2012; 11);

- Mount Signal and Calxico Solar Farm Projects DEIR (2011; 16);
- City of Elk Grove Sphere of Influence EIR (2011; 28);
- Sutter Landing Park Solar Photovoltaic Project MND, Sacramento (2011; 9);
- Rabik/Gudath Project, 22611 Coleman Valley Road, Bodega Bay (CPN 10-0002) (2011; 4);
- Ivanpah Solar Electric Generating System (ISEGS) (Declaration) (2011; 9);
- Draft Eagle Conservation Plan Guidance, USFWS (2011; 13);
- Niles Canyon Safety Improvement Project EIR/EA (2011; 16);
- Route 84 Safety Improvement Project (Declaration) (2011; 7);
- Rebuttal on Whistling Ridge Wind Energy Power DEIS, Skamania County, (2010; 6);
- Whistling Ridge Wind Energy Power DEIS, Skamania County, Washington (2010; 41);
- Klickitat County's Decisions on Windy Flats West Wind Energy Project (2010; 17);
- St. John's Church Project DEIR, Orinda (2010; 14);
- Results Radio Zone File #2009-001 IS/MND, Conaway site, Davis (2010; 20);
- Rio del Oro Specific Plan Project FEIR, Rancho Cordova (2010;12);
- Results Radio Zone File #2009-001, Mace Blvd site, Davis (2009; 10);
- Answers to Questions on 33% RPS Implementation Analysis Preliminary Results Report (2009; 9);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Second Declaration) (2008; 17);
- Draft 1A Summary Report to CAISO (2008; 10);
- Hilton Manor Project Categorical Exemption, County of Placer (2009; 9);
- Protest of CARE to Amendment to the Power Purchase and Sale Agreement for Procurement of Eligible Renewable Energy Resources Between Hatchet Ridge Wind LLC and PG&E (2009; 3);
- Tehachapi Renewable Transmission Project EIR/EIS (2009; 142);
- Delta Shores Project EIR, south Sacramento (2009; 11 + addendum 2);
- Declaration in Support of Care's Petition to Modify D.07-09-040 (2008; 3);
- The Public Utility Commission's Implementation Analysis December 16 Workshop for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 9);
- The Public Utility Commission's Implementation Analysis Draft Work Plan for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 11);
- Draft 1A Summary Report to California Independent System Operator for Planning Reserve Margins (PRM) Study (2008; 7.);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Declaration) (2008; 16);
- Colusa Generating Station, California Energy Commission PSA (2007; 24);
- Rio del Oro Specific Plan Project Recirculated DEIR, Mather (2008: 66);
- Replies on Regional University Specific Plan EIR, Roseville (2008; 20);
- Regional University Specific Plan EIR, Roseville (2008: 33);
- Clark Precast, LLC's "Sugarland" project, ND, Woodland (2008: 15);
- Cape Wind Project DEIS, Nantucket (2008; 157);
- Yuba Highlands Specific Plan EIR, Spenceville, Yuba County (2006; 37);
- Replies to responses on North Table Mountain MND, Butte County (2006; 5);



- North Table Mountain MND, Butte County (2006; 15);
- Windy Point Wind Farm EIS (2006; 14 and Powerpoint slide replies);
- Shiloh I Wind Power Project EIR, Rio Vista (2005; 18);
- Buena Vista Wind Energy Project NOP, Byron (2004; 15);
- Callahan Estates Subdivision ND, Winters (2004; 11);
- Winters Highlands Subdivision IS/ND (2004; 9);
- Winters Highlands Subdivision IS/ND (2004; 13);
- Creekside Highlands Project, Tract 7270 ND (2004; 21);
- Petition to California Fish and Game Commission to list Burrowing Owl (2003; 10);
- Altamont Pass Wind Resource Area CUP renewals, Alameda County (2003; 41);
- UC Davis Long Range Development Plan: Neighborhood Master Plan (2003; 23);
- Anderson Marketplace Draft Environmental Impact Report (2003; 18);
- Negative Declaration of the proposed expansion of Temple B'nai Tikyah (2003; 6);
- Antonio Mountain Ranch Specific Plan Public Draft EIR (2002; 23);
- Replies on East Altamont Energy Center evidentiary hearing (2002; 9);
- Revised Draft Environmental Impact Report, The Promenade (2002; 7);
- Recirculated Initial Study for Calpine's proposed Pajaro Valley Energy Center (2002; 3);
- UC Merced -- Declaration (2002; 5);
- Replies on Atwood Ranch Unit III Subdivision FEIR (2003; 22);
- Atwood Ranch Unit III Subdivision EIR (2002; 19);
- California Energy Commission Staff Report on GWF Tracy Peaker Project (2002; 20);
- Silver Bend Apartments IS/MND, Placer County (2002; 13);
- UC Merced Long-range Development Plan DEIR and UC Merced Community Plan DEIR (2001; 26);
- Colusa County Power Plant IS, Maxwell (2001; 6);
- Dog Park at Catlin Park, Folsom, California (2001; 5);
- Calpine and Bechtel Corporations' Biological Resources Implementation and Monitoring Program (BRMIMP) for the Metcalf Energy Center (2000; 10);
- Metcalf Energy Center, California Energy Commission FSA (2000);
- US Fish and Wildlife Service Section 7 consultation with the California Energy Commission regarding Calpine and Bechtel Corporations' Metcalf Energy Center (2000; 4);
- California Energy Commission's Preliminary Staff Assessment of the proposed Metcalf Energy Center (2000: 11);
- Site-specific management plans for the Natomas Basin Conservancy's mitigation lands, prepared by Wildlands, Inc. (2000: 7);
- Affidavit of K. Shawn Smallwood in Spirit of the Sage Council, et al. (Plaintiffs) vs. Bruce Babbitt, Secretary, U.S. Department of the Interior, et al. (Defendants), Injuries caused by the No Surprises policy and final rule which codifies that policy (1999: 9).
- California Board of Forestry's proposed amended Forest Practices Rules (1999);
- Sunset Sky ranch Airport Use Permit IS/MND (1999);
- Ballona West Bluffs Project Environmental Impact Report (1999; oral presentation);
- Draft Recovery Plan for Giant Garter Snake (Fed. Reg. 64(176): 49497-49498) (1999; 8);
- Draft Recovery Plan for Arroyo Southwestern Toad (1998);
- Pacific Lumber Co. (Headwaters) HCP & EIR, Fortuna (1998; 28);
- Natomas Basin HCP Permit Amendment, Sacramento (1998);

- San Diego Multi-Species Conservation Program FEIS/FEIR (1997; 10);

**Comments on other Environmental Review Documents:**

- Proposed Regulation for California Fish and Game Code Section 3503.5 (2015: 12);
- Statement of Overriding Considerations related to extending Altamont Winds, Inc.'s Conditional Use Permit PLN2014-00028 (2015; 8);
- Covell Village PEIR, Davis (2005; 19);
- Bureau of Land Management Wind Energy Programmatic EIS Scoping (2003; 7.);
- NEPA Environmental Analysis for Biosafety Level 4 National Biocontainment Laboratory (NBL) at UC Davis (2003: 7);
- Notice of Preparation of UC Merced Community and Area Plan EIR, on behalf of The Wildlife Society—Western Section (2001: 8.);
- Preliminary Draft Yolo County Habitat Conservation Plan (2001; 2 letters totaling 35.);
- Merced County General Plan Revision, notice of Negative Declaration (2001: 2.);
- Notice of Preparation of Campus Parkway EIR/EIS (2001: 7.);
- Draft Recovery Plan for the bighorn sheep in the Peninsular Range (*Ovis candensis*) (2000);
- Draft Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*), on behalf of The Wildlife Society—Western Section (2000: 10.);
- Sierra Nevada Forest Plan Amendment Draft Environmental Impact Statement, on behalf of The Wildlife Society—Western Section (2000: 7.);
- State Water Project Supplemental Water Purchase Program, Draft Program EIR (1997);
- Davis General Plan Update EIR (2000);
- Turn of the Century EIR (1999: 10);
- Proposed termination of Critical Habitat Designation under the Endangered Species Act (Fed. Reg. 64(113): 31871-31874) (1999);
- NOA Draft Addendum to the Final Handbook for Habitat Conservation Planning and Incidental Take Permitting Process, termed the HCP 5-Point Policy Plan (Fed. Reg. 64(45): 11485 - 11490) (1999; 2 + attachments);
- Covell Center Project EIR and EIR Supplement (1997).

**Position Statements** I prepared the following position statements for the Western Section of The Wildlife Society, and one for nearly 200 scientists:

- Recommended that the California Department of Fish and Game prioritize the extermination of the introduced southern water snake in northern California. The Wildlife Society--Western Section (2001);
- Recommended that The Wildlife Society—Western Section appoint or recommend members of the independent scientific review panel for the UC Merced environmental review process (2001);
- Opposed the siting of the University of California's 10th campus on a sensitive vernal pool/grassland complex east of Merced. The Wildlife Society--Western Section (2000);
- Opposed the legalization of ferret ownership in California. The Wildlife Society--Western Section (2000);
- Opposed the Proposed "No Surprises," "Safe Harbor," and "Candidate Conservation Agreement" rules, including permit-shield protection provisions (Fed. Reg. Vol. 62, No.

103, pp. 29091-29098 and No. 113, pp. 32189-32194). This statement was signed by 188 scientists and went to the responsible federal agencies, as well as to the U.S. Senate and House of Representatives.

### **Posters at Professional Meetings**

Leyvas, E. and K. S. Smallwood. 2015. Rehabilitating injured animals to offset and rectify wind project impacts. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.

Smallwood, K. S., J. Mount, S. Standish, E. Leyvas, D. Bell, E. Walther, B. Karas. 2015. Integrated detection trials to improve the accuracy of fatality rate estimates at wind projects. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.

Smallwood, K. S. and C. G. Thelander. 2005. Lessons learned from five years of avian mortality research in the Altamont Pass WRA. AWEA conference, Denver, May 2005.

Neher, L., L. Wilder, J. Woo, L. Spiegel, D. Yen-Nakafugi, and K.S. Smallwood. 2005. Bird's eye view on California wind. AWEA conference, Denver, May 2005.

Smallwood, K. S., C. G. Thelander and L. Spiegel. 2003. Toward a predictive model of avian fatalities in the Altamont Pass Wind Resource Area. Windpower 2003 Conference and Convention, Austin, Texas.

Smallwood, K.S. and Eva Butler. 2002. Pocket Gopher Response to Yellow Star-thistle Eradication as part of Grassland Restoration at Decommissioned Mather Air Force Base, Sacramento County, California. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and Michael L. Morrison. 2002. Fresno kangaroo rat (*Dipodomys nitratoides*) Conservation Research at Resources Management Area 5, Lemoore Naval Air Station. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and E.L. Fitzhugh. 1989. Differentiating mountain lion and dog tracks. Third Mountain Lion Workshop, Prescott, AZ.

Smith, T. R. and K. S. Smallwood. 2000. Effects of study area size, location, season, and allometry on reported *Sorex* shrew densities. Annual Meeting of the Western Section of The Wildlife Society.

### **Presentations at Professional Meetings and Seminars**

Dog detections of bat and bird fatalities at wind farms in the Altamont Pass Wind Resource Area. East Bay Regional Park District 2019 Stewardship Seminar, Oakland, California, 13 November 2019.

Repowering the Altamont Pass. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Developing methods to reduce bird mortality in the Altamont Pass Wind Resource Area, 1999-

2007. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Conservation and recovery of burrowing owls in Santa Clara Valley. Santa Clara Valley Habitat Agency, Newark, California, 3 February 2017.

Mitigation of Raptor Fatalities in the Altamont Pass Wind Resource Area. Raptor Research Foundation Meeting, Sacramento, California, 6 November 2015.

From burrows to behavior: Research and management for burrowing owls in a diverse landscape. California Burrowing Owl Consortium meeting, 24 October 2015, San Jose, California.

The Challenges of repowering. Keynote presentation at Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 10 March 2015.

Research Highlights Altamont Pass 2011-2015. Scientific Review Committee, Oakland, California, 8 July 2015.

Siting wind turbines to minimize raptor collisions: Altamont Pass Wind Resource Area. US Fish and Wildlife Service Golden Eagle Working Group, Sacramento, California, 8 January 2015.

Evaluation of nest boxes as a burrowing owl conservation strategy. Sacramento Chapter of the Western Section, The Wildlife Society. Sacramento, California, 26 August 2013.

Predicting collision hazard zones to guide repowering of the Altamont Pass. Conference on wind power and environmental impacts. Stockholm, Sweden, 5-7 February 2013.

Impacts of Wind Turbines on Wildlife. California Council for Wildlife Rehabilitators, Yosemite, California, 12 November 2012.

Impacts of Wind Turbines on Birds and Bats. Madrone Audubon Society, Santa Rosa, California, 20 February 2012.

Comparing Wind Turbine Impacts across North America. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Alameda County Scientific Review Committee meeting, 17 February 2011

Comparing Wind Turbine Impacts across North America. Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 3 May 2011.

Update on Wildlife Impacts in the Altamont Pass Wind Resource Area. Raptor Symposium, The Wildlife Society—Western Section, Riverside, California, February 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Raptor Symposium, The Wildlife

Society - Western Section, Riverside, California, February 2011.

Wildlife mortality caused by wind turbine collisions. Ecological Society of America, Pittsburgh, Pennsylvania, 6 August 2010.

Map-based repowering and reorganization of a wind farm to minimize burrowing owl fatalities. California burrowing Owl Consortium Meeting, Livermore, California, 6 February 2010.

Environmental barriers to wind power. Getting Real About Renewables: Economic and Environmental Barriers to Biofuels and Wind Energy. A symposium sponsored by the Environmental & Energy Law & Policy Journal, University of Houston Law Center, Houston, 23 February 2007.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Meeting with Japan Ministry of the Environment and Japan Ministry of the Economy, Wild Bird Society of Japan, and other NGOs Tokyo, Japan, 9 November 2006.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Symposium on bird collisions with wind turbines. Wild Bird Society of Japan, Tokyo, Japan, 4 November 2006.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. California Society for Ecological Restoration (SERCAL) 13<sup>th</sup> Annual Conference, UC Santa Barbara, 27 October 2006.

Fatality associations as the basis for predictive models of fatalities in the Altamont Pass Wind Resource Area. EEI/APLIC/PIER Workshop, 2006 Biologist Task Force and Avian Interaction with Electric Facilities Meeting, Pleasanton, California, 28 April 2006.

Burrowing owl burrows and wind turbine collisions in the Altamont Pass Wind Resource Area. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, February 8, 2006.

Mitigation at wind farms. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Incorporating data from the California Wildlife Habitat Relationships (CWHR) system into an impact assessment tool for birds near wind farms. Shawn Smallwood, Kevin Hunting, Marcus Yee, Linda Spiegel, Monica Parisi. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Toward indicating threats to birds by California's new wind farms. California Energy Commission, Sacramento, May 26, 2005.

Avian collisions in the Altamont Pass. California Energy Commission, Sacramento, May 26, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. EPRI Environmental Sector Council, Monterey, California, February 17, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. The Wildlife Society—Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Associations between avian fatalities and attributes of electric distribution poles in California. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Minimizing avian mortality in the Altamont Pass Wind Resources Area. UC Davis Wind Energy Collaborative Forum, Palm Springs, California, December 14, 2004.

Selecting electric distribution poles for priority retrofitting to reduce raptor mortality. Raptor Research Foundation Meeting, Bakersfield, California, November 10, 2004.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. Annual Meeting of the Society for Ecological Restoration, South Lake Tahoe, California, October 16, 2004.

Lessons learned from five years of avian mortality research at the Altamont Pass Wind Resources Area in California. The Wildlife Society Annual Meeting, Calgary, Canada, September 2004.

The ecology and impacts of power generation at Altamont Pass. Sacramento Petroleum Association, Sacramento, California, August 18, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Consortium meeting, Hayward, California, February 7, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Symposium, Sacramento, November 2, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. National Wind Coordinating Committee, Washington, D.C., November 17, 2003.

Raptor Behavior at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

California mountain lions. Ecological & Environmental Issues Seminar, Department of Biology, California State University, Sacramento, November, 2000.

Intra- and inter-turbine string comparison of fatalities to animal burrow densities at Altamont Pass. National Wind Coordinating Committee, Carmel, California, May, 2000.

Using a Geographic Positioning System (GPS) to map wildlife and habitat. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Suggested standards for science applied to conservation issues. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

The indicators framework applied to ecological restoration in Yolo County, California. Society for Ecological Restoration, September 25, 1999.

Ecological restoration in the context of animal social units and their habitat areas. Society for Ecological Restoration, September 24, 1999.

Relating Indicators of Ecological Health and Integrity to Assess Risks to Sustainable Agriculture and Native Biota. International Conference on Ecosystem Health, August 16, 1999.

A crosswalk from the Endangered Species Act to the HCP Handbook and real HCPs. Southern California Edison, Co. and California Energy Commission, March 4-5, 1999.

Mountain lion track counts in California: Implications for Management. Ecological & Environmental Issues Seminar, Department of Biological Sciences, California State University, Sacramento, November 4, 1998.

“No Surprises” -- Lack of science in the HCP process. California Native Plant Society Annual Conservation Conference, The Presidio, San Francisco, September 7, 1997.

In Your Interest. A half hour weekly show aired on Channel 10 Television, Sacramento. In this episode, I served on a panel of experts discussing problems with the implementation of the Endangered Species Act. Aired August 31, 1997.

Spatial scaling of pocket gopher (*Geomys*) density. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Estimating prairie dog and pocket gopher burrow volume. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Ten years of mountain lion track survey. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Study and interpretive design effects on mountain lion density estimates. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Small animal control. Session moderator and speaker at the California Farm Conference, Sacramento, California, Feb. 28, 1995.

Small animal control. Ecological Farming Conference, Asyloamar, California, Jan. 28, 1995.

Habitat associations of the Swainson's Hawk in the Sacramento Valley's agricultural landscape. 1994 Raptor Research Foundation Meeting, Flagstaff, Arizona.

Alfalfa as wildlife habitat. Seed Industry Conference, Woodland, California, May 4, 1994.

Habitats and vertebrate pests: impacts and management. Managing Farmland to Bring Back Game Birds and Wildlife to the Central Valley. Yolo County Resource Conservation District, U.C. Davis, February 19, 1994.

Management of gophers and alfalfa as wildlife habitat. Orland Alfalfa Production Meeting and Sacramento Valley Alfalfa Production Meeting, February 1 and 2, 1994.

Patterns of wildlife movement in a farming landscape. Wildlife and Fisheries Biology Seminar Series: Recent Advances in Wildlife, Fish, and Conservation Biology, U.C. Davis, Dec. 6, 1993.

Alfalfa as wildlife habitat. California Alfalfa Symposium, Fresno, California, Dec. 9, 1993.

Management of pocket gophers in Sacramento Valley alfalfa. California Alfalfa Symposium, Fresno, California, Dec. 8, 1993.

Association analysis of raptors in a farming landscape. Plenary speaker at Raptor Research Foundation Meeting, Charlotte, North Carolina, Nov. 6, 1993.

Landscape strategies for biological control and IPM. Plenary speaker, International Conference on Integrated Resource Management and Sustainable Agriculture, Beijing, China, Sept. 11, 1993.

Landscape Ecology Study of Pocket Gophers in Alfalfa. Alfalfa Field Day, U.C. Davis, July 1993.

Patterns of wildlife movement in a farming landscape. Spatial Data Analysis Colloquium, U.C. Davis, August 6, 1993.

Sound stewardship of wildlife. Veterinary Medicine Seminar: Ethics of Animal Use, U.C. Davis. May 1993.

Landscape ecology study of pocket gophers in alfalfa. Five County Grower's Meeting, Tracy, California. February 1993.

Turbulence and the community organizers: The role of invading species in ordering a turbulent system, and the factors for invasion success. Ecology Graduate Student Association Colloquium, U.C. Davis. May 1990.

Evaluation of exotic vertebrate pests. Fourteenth Vertebrate Pest Conference, Sacramento, California. March 1990.

Analytical methods for predicting success of mammal introductions to North America. The Western Section of the Wildlife Society, Hilo, Hawaii. February 1988.

A state-wide mountain lion track survey. Sacramento County Dept Parks and Recreation. April 1986.

The mountain lion in California. Davis Chapter of the Audubon Society. October 1985.

Ecology Graduate Student Seminars, U.C. Davis, 1985-1990: Social behavior of the mountain lion;



Mountain lion control; Political status of the mountain lion in California.

### **Other forms of Participation at Professional Meetings**

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Berlin, Germany, March 2015.
- Scientific Committee, Conference on Wind energy and Wildlife impacts, Stockholm, Sweden, February 2013.
- Workshop co-presenter at Birds & Wind Energy Specialist Group (BAWESG) Information sharing week, Bird specialist studies for proposed wind energy facilities in South Africa, Endangered Wildlife Trust, Darling, South Africa, 3-7 October 2011.
- Scientific Committee, Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 2-5 May 2011.
- Chair of Animal Damage Management Session, The Wildlife Society, Annual Meeting, Reno, Nevada, September 26, 2001.
- Chair of Technical Session: Human communities and ecosystem health: Comparing perspectives and making connection. Managing for Ecosystem Health, International Congress on Ecosystem Health, Sacramento, CA August 15-20, 1999.
- Student Awards Committee, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.
- Student Mentor, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

### **Printed Mass Media**

Smallwood, K.S., D. Mooney, and M. McGuinness. 2003. We must stop the UCD biolab now. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2002. Spring Lake threatens Davis. Op-Ed to the Davis Enterprise.

Smallwood, K.S. Summer, 2001. Mitigation of habitation. The Flatlander, Davis, California.

Entrikan, R.K. and K.S. Smallwood. 2000. Measure O: Flawed law would lock in new taxes. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2000. Davis delegation lobbies Congress for Wildlife conservation. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 1998. Davis Visions. The Flatlander, Davis, California.

Smallwood, K.S. 1997. Last grab for Yolo's land and water. The Flatlander, Davis, California.

Smallwood, K.S. 1997. The Yolo County HCP. Op-Ed to the Davis Enterprise.

### **Radio/Television**

PBS News Hour,

FOX News, Energy in America: Dead Birds Unintended Consequence of Wind Power Development, August 2011.

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Mountain lion attacks (with guest Professor Richard Coss). 23 April 2009;

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Wind farm Rio Vista Renewable Power. 4 September 2008;

KQED QUEST Episode #111. Bird collisions with wind turbines. 2007;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. December 27, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. May 3, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. February 8, 2001;

KDVS Speaking in Tongues (host Ron Glick & Shawn Smallwood), California Energy Crisis: 1 hour. Jan. 25, 2001;

KDVS Speaking in Tongues (host Ron Glick), Headwaters Forest HCP: 1 hour. 1998;

Davis Cable Channel (host Gerald Heffernon), Burrowing owls in Davis: half hour. June, 2000;

Davis Cable Channel (hosted by Davis League of Women Voters), Measure O debate: 1 hour. October, 2000;

KXTV 10, In Your Interest, The Endangered Species Act: half hour. 1997.

### **Reviews of Journal Papers** (Scientific journals for whom I've provided peer review)

<b>Journal</b>	<b>Journal</b>
American Naturalist	Journal of Animal Ecology
Journal of Wildlife Management	Western North American Naturalist
Auk	Journal of Raptor Research
Biological Conservation	National Renewable Energy Lab reports
Canadian Journal of Zoology	Oikos
Ecosystem Health	The Prairie Naturalist
Environmental Conservation	Restoration Ecology

<b>Journal</b>	<b>Journal</b>
Environmental Management	Southwestern Naturalist
Functional Ecology	The Wildlife Society--Western Section Trans.
Journal of Zoology (London)	Proc. Int. Congress on Managing for Ecosystem Health
Journal of Applied Ecology	Transactions in GIS
Ecology	Tropical Ecology
Wildlife Society Bulletin	Peer J
Biological Control	The Condor

**Committees**

- Scientific Review Committee, Alameda County, Altamont Pass Wind Resource Area
- Ph.D. Thesis Committee, Steve Anderson, University of California, Davis
- MS Thesis Committee, Marcus Yee, California State University, Sacramento

**Other Professional Activities or Products**

Testified in Federal Court in Denver during 2005 over the fate of radio-nuclides in the soil at Rocky Flats Plant after exposure to burrowing animals. My clients won a judgment of \$553,000,000. I have also testified in many other cases of litigation under CEQA, NEPA, the Warren-Alquist Act, and other environmental laws. My clients won most of the cases for which I testified.

Testified before Environmental Review Tribunals in Ontario, Canada regarding proposed White Pines, Amherst Island, and Fairview Wind Energy projects.

Testified in Skamania County Hearing in 2009 on the potential impacts of zoning the County for development of wind farms and hazardous waste facilities.

Testified in deposition in 2007 in the case of O'Dell et al. vs. FPL Energy in Houston, Texas.

Testified in Klickitat County Hearing in 2006 on the potential impacts of the Windy Point Wind Farm.

**Memberships in Professional Societies**

The Wildlife Society

Raptor Research Foundation

**Honors and Awards**

Fulbright Research Fellowship to Indonesia, 1987

J.G. Boswell Full Academic Scholarship, 1981 college of choice

Certificate of Appreciation, The Wildlife Society—Western Section, 2000, 2001

Northern California Athletic Association Most Valuable Cross Country Runner, 1984

American Legion Award, Corcoran High School, 1981, and John Muir Junior High, 1977

CIF Section Champion, Cross Country in 1978

CIF Section Champion, Track & Field 2 mile run in 1981

National Junior Record, 20 kilometer run, 1982

National Age Group Record, 1500 meter run, 1978

**Community Activities**

District 64 Little League Umpire, 2003-2007

Dixon Little League Umpire, 2006-07

Davis Little League Chief Umpire and Board member, 2004-2005

Davis Little League Safety Officer, 2004-2005

Davis Little League Certified Umpire, 2002-2004

Davis Little League Scorekeeper, 2002

Davis Visioning Group member

Petitioner for Writ of Mandate under the California Environmental Quality Act against City of Woodland decision to approve the Spring Lake Specific Plan, 2002

Served on campaign committees for City Council candidates

### Representative Clients/Funders

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Law Offices of Stephan C. Volker	EDF Renewables
Blum Collins, LLP	National Renewable Energy Lab
Eric K. Gillespie Professional Corporation	Altamont Winds LLC
Law Offices of Berger & Montague	Salka Energy
Lozeau   Drury LLP	Comstocks Business (magazine)
Law Offices of Roy Haber	BioResource Consultants
Law Offices of Edward MacDonald	Tierra Data
Law Office of John Gabrielli	Black and Veatch
Law Office of Bill Kopper	Terry Preston, Wildlife Ecology Research Center
Law Office of Donald B. Mooney	EcoStat, Inc.
Law Office of Veneruso & Moncharsh	US Navy
Law Office of Steven Thompson	US Department of Agriculture
Law Office of Brian Gaffney	US Forest Service
California Wildlife Federation	US Fish & Wildlife Service
Defenders of Wildlife	US Department of Justice
Sierra Club	California Energy Commission
National Endangered Species Network	California Office of the Attorney General
Spirit of the Sage Council	California Department of Fish & Wildlife
The Humane Society	California Department of Transportation
Hagens Berman LLP	California Department of Forestry
Environmental Protection Information Center	California Department of Food & Agriculture
Goldberg, Kamin & Garvin, Attorneys at Law	Ventura County Counsel
Californians for Renewable Energy (CARE)	County of Yolo
Seatuck Environmental Association	Tahoe Regional Planning Agency
Friends of the Columbia Gorge, Inc.	Sustainable Agriculture Research & Education Program
Save Our Scenic Area	Sacramento-Yolo Mosquito and Vector Control District
Alliance to Protect Nantucket Sound	East Bay Regional Park District
Friends of the Swainson's Hawk	County of Alameda
Alameda Creek Alliance	Don & LaNelle Silverstien
Center for Biological Diversity	Seventh Day Adventist Church
California Native Plant Society	Escuela de la Raza Unida
Endangered Wildlife Trust	Susan Pelican and Howard Beeman
and BirdLife South Africa	Residents Against Inconsistent Development, Inc.
AquAlliance	Bob Sarvey
Oregon Natural Desert Association	Mike Boyd
Save Our Sound	Hillcroft Neighborhood Fund
G3 Energy and Pattern Energy	Joint Labor Management Committee, Retail Food Industry
Emerald Farms	Lisa Rocca
Pacific Gas & Electric Co.	Kevin Jackson
Southern California Edison Co.	Dawn Stover and Jay Letto
Georgia-Pacific Timber Co.	Nancy Havassy
Northern Territories Inc.	Catherine Portman (for Brenda Cedarblade)
David Magney Environmental Consulting	Ventus Environmental Solutions, Inc.
Wildlife History Foundation	Panorama Environmental, Inc.
NextEra Energy Resources, LLC	Adams Broadwell Professional Corporation
Ogin, Inc.	

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**Representative special-status species experience**

<b>Common name</b>	<b>Species name</b>	<b>Description</b>
<b>Field experience</b>		
California red-legged frog	<i>Rana aurora draytonii</i>	Protocol searches; Many detections
Foothill yellow-legged frog	<i>Rana boylei</i>	Presence surveys; Many detections
Western spadefoot	<i>Spea hammondi</i>	Presence surveys; Few detections
California tiger salamander	<i>Ambystoma californiense</i>	Protocol searches; Many detections
Coast range newt	<i>Taricha torosa torosa</i>	Searches and multiple detections
Blunt-nosed leopard lizard	<i>Gambelia sila</i>	Detected in San Luis Obispo County
California horned lizard	<i>Phrynosoma coronatum frontale</i>	Searches; Many detections
Western pond turtle	<i>Clemmys marmorata</i>	Searches; Many detections
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	Protocol searches; detections
Sumatran tiger	<i>Panthera tigris</i>	Track surveys in Sumatra
Mountain lion	<i>Puma concolor californicus</i>	Research and publications
Point Arena mountain beaver	<i>Aplodontia rufa nigra</i>	Remote camera operation
Giant kangaroo rat	<i>Dipodomys ingens</i>	Detected in Cholame Valley
San Joaquin kangaroo rat	<i>Dipodomys nitratoideus</i>	Monitoring & habitat restoration
Monterey dusky-footed woodrat	<i>Neotoma fuscipes luciana</i>	Non-target captures and mapping of dens
Salt marsh harvest mouse	<i>Reithrodontomys raviventris</i>	Habitat assessment, monitoring
Salinas harvest mouse	<i>Reithrodontomys megalotus distichlus</i>	Captures; habitat assessment
<b>Bats</b>		
California clapper rail	<i>Rallus longirostris</i>	Thermal imaging surveys
Golden eagle	<i>Aquila chrysaetos</i>	Surveys and detections
Swainson's hawk	<i>Buteo swainsoni</i>	Numerical & behavioral surveys
Northern harrier	<i>Circus cyaneus</i>	Numerical & behavioral surveys
White-tailed kite	<i>Elanus leucurus</i>	Numerical & behavioral surveys
Loggerhead shrike	<i>Lanius ludovicianus</i>	Numerical & behavioral surveys
Least Bell's vireo	<i>Vireo bellii pusillus</i>	Large area surveys
Willow flycatcher	<i>Empidonax traillii extimus</i>	Detected in Monterey County
Burrowing owl	<i>Athene cunicularia hypuglia</i>	Research at Sierra Nevada breeding sites
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	Numerical & behavioral surveys
<b>Analytical</b>		
Arroyo southwestern toad	<i>Bufo microscaphus californicus</i>	Monitored success of relocation and habitat restoration
Giant garter snake	<i>Thamnophis gigas</i>	Research and report.
Northern goshawk	<i>Accipiter gentilis</i>	Research and publication
Northern spotted owl	<i>Strix occidentalis</i>	Research and publication
Alameda whipsnake	<i>Masticophis lateralis euryxanthus</i>	Research and reports
		Expert testimony

**From:** Johanna Greenberg <[ruffmagic@gmail.com](mailto:ruffmagic@gmail.com)>

**Sent:** Thursday, June 10, 2021 5:14 AM

**To:** Weeks, Karen <[KWeeks@srcity.org](mailto:KWeeks@srcity.org)>; Peterson, Julian <[jpeterson@srcity.org](mailto:jpeterson@srcity.org)>; Carter, Charles <[CCarter@srcity.org](mailto:CCarter@srcity.org)>; Kalia, Akash <[akalia@srcity.org](mailto:akalia@srcity.org)>; Duggan, Vicki <[VDuggan@srcity.org](mailto:VDuggan@srcity.org)>; Okrepkie, Jeff <[JOkrepkie@srcity.org](mailto:JOkrepkie@srcity.org)>; Holton, Jeffrey <[JHolton@srcity.org](mailto:JHolton@srcity.org)>; Sheikhal, Monet <[msheikhal@srcity.org](mailto:msheikhal@srcity.org)>; \_CityCouncilListPublic <[citycouncil@srcity.org](mailto:citycouncil@srcity.org)>

**Subject:** [EXTERNAL] Hearn Veterans Village Comments

Hello Monet:

I've been sick and unable to get out of bed this week to send my comments.

Please make sure these comments are entered into the record for today's meeting.

-jg

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To: Monet Sheikhal, Members of the Planning Commission and City Council:

My comments are concerning the West Hearn Ave Veterans Housing Development at 2149 W Hearn Ave, Santa Rosa, CA.

Full disclosure:

I am a veterinarian (VMD), with extensive background and education in ecological restoration and regenerative methods of plant and animal food production, both wild and domestic.

I have an undergraduate degree in Biology and have extensive experience in species counts and ecological preservation and restoration.

In the past, I've done the research and species censuses in various sensitive areas of California for published articles in bird and wildlife magazines, and for environmental reports.

The Hearn Veterans Supportive Housing Development is an outrageous proposal, completely unfit, and moreover illegal, for West Hearn Ave, a very small, rural RR-RH zoned, agricultural street. This giant development will be detrimental to the daily living experience of all W Hearn Ave inhabitants, to the surrounding community at large, to the ecology and wildlife of this area and therefore to the health of the environment and ecology of Santa Rosa City and Sonoma County at large.

Before continuing, I'd like to clarify our position:

West Hearn Ave residents have been supportive for the past 10+ years, of the existing Veterans Hearn House 15 bed facility, (despite experiencing issues). We are happy to do our part to both support ailing veterans in need of care, and to provide housing for these particular homeless folks.

What we object to is not Veterans, or people needing help, or homelessness, it is the **very large, urban-like scope and characteristics** of this project. It is completely out of character for this street (which is not appropriate for Urban-sized Supportive Housing), it disregards the special agreement we made with the City of Santa Rosa, and it is detrimental to every aspect of our living experience here, most especially to the rural character and rare, sensitive ecology of this area.

Residents, both long term and more recent, moved here for a peaceful, rural, nature-filled experience—to family farm, garden, and most especially to experience the wildlife and unique ecological aspects of this area.

We are not however, against expanding this housing and veterans care, by adding a few more beds. What we are against is this proposed facility, at its current gigantic scale of 2 story, 8 bedrooms per 1/2 acre compared to that of West Hearn Ave, with its single story, 2-3 bedroom, single family homes on lots at least 0.6 acres in size.

This Supportive Housing project as it is currently proposed, is ONLY appropriate in an urban location.

In conclusion, our position is: We support veterans care and housing in a scale appropriate for both the neighborhood and for minimum impact on the existing, rapidly disappearing, precious, native habitat.

The following 4 major problems exist that prevent this development as proposed. Other issues are discussed by other residents so I won't repeat them here:

#### 1) Zoning for Supportive Housing Developments

According to California state law, Supportive Housing Developments shall only be built on \*Multi-Family Zoned\* streets that also have Multi-use zoning.

West Hearn Ave is a RR-RH, Very Low Density, Single Family zoned street. It is NOT an urban, multi-family - zoned street. It does not have mixed-use zoning.

West Hearn Ave instead, is possibly the most rural, the smallest, the most agricultural, and with the most wild land influence, of all streets within Santa Rosa City limits.

Santa Rosa City Code (20-22.030) states that A Use permit is required for any Supportive Housing, but that still, does NOT change the zoning of our street, or the inappropriateness of this housing development for our street. There is no way around it, the intent and meaning of that California Law is to appropriately place larger Supportive Housing Developments in Urban, multi-family, mixed-use areas ONLY. Trying to push this project through any which way and smash it onto a small, rural, Very Low Density zoned street is the antithesis of the intent of that CA Law.

If developers, with the support of the City, are allowed to put larger urban housing developments, "Supportive" or not, anywhere they please, what is the point of having a Zoning code at all?

California state housing and zoning laws exist for very good reasons. These reasons should not be ignored or brushed off for short term financial gain, or for lack of intelligent thought and intelligent work on solving urban problems in a way that doesn't destroy communities and most especially sensitive ecosystems and wildlife habitat. We must respect all the parts and considerations of an area or neighborhood, and the effects on the County at large, before throwing urban-scaled developments willy-nilly in any area we see.

There are appropriate places for \*large\* housing developments, but a small, rural, single family, largely agricultural street, miles from any amenities with ultra sensitive and increasingly rare, yet vitally important ecology, is not one of them.

Let's face it, with the number of bedrooms and staff, this development lot could potentially contain up to 75-100 people at any given time— that is very large and completely out of character for this small 1/2 mile street, which has only 48 homes (~100 residents) in its entirety! This urban-sized project absolutely DWARFS West Hearn Ave!



2) Destruction of a rare and unique ecosystem and vital buffer zone and wildlife corridor, that exists between the urban City environment, and State Fish and Wildlife & City Open Space lands:

In this era of rapidly increasing heat, fire frequency/intensity and drought, loss of precipitation and ground water, loss of topsoils and healthy microbiota, rapid loss of animal and plant species that are vital for the continued support of human existence, Santa Rosa City Planners (judging by their actions endorsing the MND and in other communications), are apparently endorsing a high density development / urban project that will dramatically further these destructive processes and further the loss and destruction of these animal and plant species in an area that is quite obviously part of a rare disappearing ecosystem, an excellent wildlife corridor and buffer zone, and which possesses an ecology that in fact mitigates drought, fire and flood. It is one of the worst decisions the City can possibly make!

In this era of climate change, it is vitally important that recent City and County laws for climate mitigation be upheld and ecological considerations be respected and acted upon. The very ecosystem that we rely on is dying, in part due to too much urbanization and paving on ecologically important areas, without thought to tree cover (stores water and creates humidity), areas with rich species diversity, and lowland areas that specifically store water. We cannot, in the name of “large urban housing” only, destroy ecologically sensitive, thriving areas, by slapping urban-type projects in any open area we find.

West Hearn Ave is not a “regular suburban street”, filled with pavement and houses, surrounded by more houses, trying to become City.

Instead, it is a very interesting, unique street in a rare situation bordering state and local wild lands, and having rare ecology, and truly deserving of the City of Santa Rosa's preservation and support.

It requires close inspection and study, if not living here, to understand this.

Uniquely, West Hearn Ave is a very small 1/2 mile, dead end street ending on 3 sides in large tracts of City Open Space lands and State Fish and Wildlife property, as well as Roseland Creek Riparian habitats. W Hearn Ave, and the project site at 2149 W Hearn Ave, is directly connected and contiguous with all of these Open Spaces and Fish and Wildlife properties. There is a vast spill-over of wildlife from these open spaces and wildlands onto W Hearn Ave properties and their garden and agriculture-filled smorgasbords, all on larger lots, with old growth trees, zero paving, and very few people. (See the attached marked map of the area, Fig 1)

West Hearn Ave truly IS an **exceptional ecological buffer zone and wildlife corridor**, between the dense, paved, highly populated, City environment, and these wild open spaces, for all of these native flora and fauna.

The overflow of wildlife - vertebrate and invertebrate, \*old growth trees\*, shrubs and forbs, onto W Hearn Ave, is quite remarkable. We have Valley Oaks, Blue Oaks, White Oaks, Live Oaks, (many Oaks are hundreds of years old), Sycamores, Conifers, Redwoods, Monterey Pines, and all of the associated native undergrowth, all over the properties on W Hearn Ave, including on the sides of the street itself.

Our community has counted 100's of mammal, bird, reptile and amphibian species, some endangered or on Declining/Watch Lists: for example, a few people have Tiger Salamander sightings and numerous other amphibian species in their vernal pools and on their properties, Western White-tailed Kites, Oak Titmice, and numerous raptors - there are several Western Screech Owl pairs, Barn Owls, Kestrels, and Red-Shouldered Hawks, Red and Grey Fox, and so on. Wildlife habitats, hunting grounds, nesting sites, and wildlife movement in general is apparent at every turn on, on every property on W Hearn Ave.

Secondly, West Hearn Ave is a vital part of the extensive Llano watershed area of the Laguna de Santa Rosa, replete with a unique hydrological and geological seasonal wetland system termed “Vernal Pools”. These

Vernal Pools are a vitally important part of mitigating both drought and flood in Sonoma County: they exist in the flat Valley Oak-studded lowlands and possess heavier soils that store and sink-in water, allowing a nice water table to persist, and allowing for extensive native tree and plant and animal habitats to grow and persist in these areas. They prevent flooding by soaking large amounts of water and in addition taking it up, via the extensive Valley Oak and shrub ecology that accompanies Vernal Pool ecosystems. No drainage pipes are needed, all water falling on this lowland vernal pool system STAYS and soaks into the area, unless disrupted by building, paving, and piping. (Flood control measures are commonly needed in areas with too much paving and building, where waters cannot soak in, as we've experienced in areas of Healdsburg and Sebastopol last year.) Fire prevention and resilience is bolstered by this ecosystem's water soakage and retention properties. By nature of their richness, wetness and diversity of habitat, these Vernal Pools also encourage major wildlife habitats and provide food and water for longer into the season, for countless plant and animal species. All taken, these Vernal Pool systems are of incalculable value to the health of all of Sonoma County.

Nearly every house on this street has these Vernal Pools of course, notably including the Hearn House Veterans property, as they are all part of this larger, lowland, flat, Oak Woodland Grassland Vernal Pool system.

Significantly, The Laguna Foundation reports that there are only 10% of Vernal Pool ecosystems remaining in Sonoma County. These are rare and important, vital to the health of Sonoma County and the City of Santa Rosa, as previously noted, and we must NOT pave over, grade these lands or cover them with buildings.

We **must** preserve what is remaining, to maintain drought and fire resilience, and flood control.

Mitigation Fees DO NOT PRESERVE OR CREATE LANDS; mitigation banks are already existing lands. Instead mitigation fees permanently take away acknowledged rare and valuable lands, by ensuring that the vital ecosystems that are being "paid off", are built on and destroyed forever. These ecosystems cannot be "Re-Made" or "Re-Manufactured" elsewhere, as shown by the various disasters on Todd Rd and elsewhere, where this has been attempted. It is far more prudent to preserve these ecosystems, stop building on them just because they are open and in less wealthy areas of the City, and find **more appropriate Urban** building sites for large, high density projects.

A great example of an appropriate site is on Corporate Center Pkwy, where in fact a new VA building is being built. This would allow for amenities and good care, and there are shops, food, a post office, urgent care, a fire station, and a mall North of there, all within walking distance.

This large Urban Supportive Housing project proposed by CHSC would destroy 2-3 full acres of wildlife habitat that is contiguous with Fish and Wildlife Lands and City Open Spaces by fully building on it with very little uncovered land left, and that will also be destroyed by the constant very high density human population use. It is not just the land itself that is affected, but the entire area of W Hearn Ave, as birds and mammals come in from surrounding areas and use the project site to hunt on and nest in, as well as travel through. (See Dr. Smallwood's comments for more depth)

The CHSC design plans to "surround wetlands with cement". This is destruction of Vernal Pools and wetlands, not preservation, and both the biologists and Paula Cook and CHSC, as well as the designer of the housing project, and the City Planners should KNOW this!

They plan on paving a full acre (!) and building huge, multiple 2 story houses compared to every house on W Hearn Ave (which are single story, 2-3 bedroom houses). CHSC will essentially be building 2 full large houses (no matter what you call them) on each 1/2 acre, instead of the 2 houses per acre maximum in our RR-RH agreement.

They will be removing precious trees and replacing them with large buildings and trees in boxes; not even real planted trees! There will be zero real habitat area left on the entire property. It will mostly be paving

and houses. It will destroy all wildlife habitat on that lot and greatly affect wildlife and habitat for the entire area. I refer you to Dr. Smallwood's truly excellent Biological Report, which has been submitted in the comments for this meeting, for more depth, information and explanation on these effects.

So, taking all of these facts into account, the Biological Report submitted by the applicant CHSC is woefully, poorly executed, missing even the most elementary aspects of this area. The Mitigated Negative Declaration, which incredibly, was signed-off by the City, is a sad testament to a lack of intelligent, thoughtful urban design that solves problems and works WITH the most important attributes of a community and the important ecology of an area (rather than destroying the environments and character of the community the project is placed in).

Many residents both wrote in with species lists and photos of a large array of fauna, and continued to point these facts out on the single Zoom Meeting that was held recently, that we have an incredible array of wildlife throughout this area and on West Hearn Ave properties. And yet CHSC, including the biologists, and the City Planners completely ignored this information, and in fact misrepresented it in various ways.

There is no excuse for a lack of rigor and intelligent investigation into these very valuable pieces of land. Wanting to push through and build large densely populated buildings in rural sensitive areas is a bad plan. There is no excuse for signing off on these areas for the Developer, when the City Planner should be able to see how inadequate the biological report was; obviously not a thing is known about the area, or what could be here.

It is searingly obvious that the Biological Assessment report and MND was just done in a way to push through this project for the developer. There was zero consideration for the residents of W Hearn Ave and for the environment and ecology of this area.

The City needs to direct the applicant to reduce the scale of this project so that it minimizes habitat and ecological destruction, and is in line with the rural nature, housing restriction, and environmental considerations of West Hearn Ave. CEQA demands an EIR. The Biological Assessment Report and MND are not acceptable. The City must demand an EIR.

### 3)Third Problem: Violating the Negotiated Good Faith Agreement and RR-RH designation.

A promise by the City of Santa Rosa and Good Faith Negotiations worked on over a period of 2 years, created an agreement that was satisfactory to both the City and the W Hearn Ave residents. This agreement was created as an exchange for the Annexation of West Hearn Ave into SR City limits.

(Official offer from City and Good Faith Agreement and establishment of RR-RH zoning available by request. They were too large to attach here.)

In this agreement, in order to preserve the unique, abundant Wildlife and Ecology in and around West Hearn Ave, and the Rural quiet character of the street, West Hearn Ave residents would agree to annexation IF AND ONLY IF, we would retain what currently we had with the County of Sonoma's RR Zoning Laws and Allowable Land Uses, and in addition, add several restrictions that would help preserve these considerations and the incredible ecology and wildlife here. Essentially keeping the street "AS IS", and preventing its urbanization.

The following retained negotiated items included (but are not limited to):

1/The Very Low Density Rural Residential zoning of 0.2-2 units (\*total\*) PER ACRE

2/Retention of agricultural and rural land uses, and all allowed practices associated with that-specifically those that were also present in the County designation that we had previous to annexation.

3/The institution of ecologically favorable and supportive [practices-guidelines? rules?] on the infrastructure of West Hearn Ave:

a) No sidewalks, additional paving, or widening of the street: to preserve and soak in ground water and precipitation; to preserve land and soils and retain as much land as possible for each home owner to farm or garden with, or to provide as much wild native habitat as possible.

b) No additional street lights: to encourage wildlife habitats and normal circadian rhythms for both residents and flora and fauna.

c) No water collection pipes or storm drains: to encourage water soakage where it falls and in property culvert ditches (instead of going to the ocean), to help maintain drought and flood resilience, to maintain fire resistance, and to create better, more flourishing, Native wildlife habitats.

d) West Hearn Ave is to remain a dead end street: to minimize industrial noise, pollution, human density, and traffic, and preserve quiet, wildlife-generated sound, and rural sounds in general, and wildlife habitat, and to allow for more safe travel for both wildlife and domestic species.

e) The fire access road (Park Meadow Extension) is to remain closed to vehicular traffic, except in the case of fire: to minimize traffic, noise, pollution and human density (as above), and preserve wildlife sounds and safe, uninhibited wildlife habitat and movement.

4/Retention of the Rural Character of W Hearn Ave: this was SPECIFICALLY meant to exclude large, dense Urban projects that would disrupt all of the above objectives and purposes.

5/Establishment of the RR-RH Rural Heritage Combined Use Ordinance, specifically for this neighborhood and future neighborhoods of a similar character:

This is to specifically distinguish West Hearn Ave, from other RR neighborhoods. It creates an extra burden of responsibility, and a need for due diligence by the City Planners and the City Council to uphold and preserve the unique beneficial ecology, lands, and wildlife of this area, as well as the rural character and feel of W Hearn Ave, especially in the face of pressures to become Urbanized, more densely populated, paved, and less Rural.

For the City to ignore this negotiated Good Faith Agreement and allow a large sized, urban-density style project, that essentially destroys the environment on this property, to be constructed on W Hearn Ave would be 100% violating the negotiated Good Faith Agreement.

The effects of this destruction of ecology and habitat extend out to the surrounding areas. (Please see Dr. Smallwood's Biological report)

This project also has essentially 2 houses (whatever one wants to characterize them) per 1/2 acre, and these are not simple houses: each bedroom has its own bathroom. These are essentially assisted living apartment buildings under the guise of "large houses". There are currently no 2 story, 6 bedroom houses on W Hearn Ave.

Most houses on W Hearn Ave are on 3/4 of an acre and many are on closer to an acre or more, with the smallest lots being 1/2 acre. All homes on W Hearn Ave are gardened extensively and/or have livestock and /or have created wildlife habitat, that is contiguous with surrounding habitats and wildlands. None are paved over and all have Native plant and animal habitat.

The City Planner Monet Sheikali stated that there would be no negative impacts on the road itself by the extra Veterans House Project inhabitants. I can only assume this judgement was made by the same folks who wrote up the MND, as it is laughable that increasing the population of this very small street from 98 to a minimum of 150 will have "no effect". Of course there will be effects!

Social effects, increased noise, increased pollution, more broken glass and litter, there are no amenities on this street so wandering people are vastly increased, and the road is already ragged, falling apart with deep

potholes every single year; 50 more vehicles will certainly have an effect on the road itself, pollution levels, and more wildlife deaths via collisions.

This project clearly belongs in an urban setting.

(We are aware that some current members of the City Planning Commission and City Council were not present some 5 years ago when these Annexation negotiations took place. But that is no reason to ignore the agreement, its tenor, and its purpose. Because so many residents' comments have brought this agreement up in emails and the Zoom Meeting, in fact, it should be reason for City Planners to take it seriously and look more deeply into why and how the agreement was made and what it means for W Hearn Ave, before signing off on new projects. Even consulting the original City Planners working on this agreement, as well as the residents involved, is not a bad idea.)

#### 4) The last major issue is with CHSC itself:

Paula Cook and CHSC have not been forthcoming, or communicative, or desirous of working with this neighborhood, or with the residents of West Hearn Ave. This project has been in the works for approximately 5 years and in that time she was told by the previous County Board of Supervisors to reach out to us and work with us.

She has not done this.

She has simply hired somebody to be a marketing manager for the project in these final hours before the Planning and Zoning meeting when the project had already finished its plan.

In addition, Paula Cook and the agency fronted by Susan Barnes, STILL have not been responsive to answering questions or concerns by email, and would not set up in-person visits to the site. (Phone calls are not satisfactory as there is no paper trail or proof of what is stated). There has been zero discussion of reducing project size or being more amenable to the community they are planning on developing in. They have not tried in any way to understand the ecology of this area or why the residents are so concerned. It appears that they do not care that residents ARE concerned, or they would have taken measures to mitigate that. It appears they simply want to build what they want to build and earn the money from HUD-VASH per Veteran, for as many people as possible, at the expense of the W Hearn Ave community and ecology and wildlife habitat, no matter what other existing lives, neighborhoods, or environments are maimed or destroyed in the process.

Furthermore, when neighbors have had issues with some residents of the Hearn Veterans House in the past, there has been no recourse or remedy. Management at the Hearn Veterans House was entirely unavailable and inaccessible. This does not bode well for West Hearn residents in a dramatically increased population situation of anywhere from 40-60 residents, visitors, staff, etc in that care facility, especially should they decide to double occupancy in bedrooms, making the population more like 100...

#### Closing:

West Hearn Ave residents are supportive of a smaller sized, less densely populated, Veterans Supportive Housing Project that is more suited to the character of the neighborhood and in accordance with the agreement we negotiated with the City of Santa Rosa to preserve the ecology and rural character of W Hearn Ave. We support also, moving the Veterans Supportive Housing to a more appropriate Urban and Mixed Use zoned area, such as at or near the new VA building site on Corporate Parkway. An EIR MUST be done for this Supportive Housing Project.

The mitigation measures set forth by Shawn Smallwood in his excellent Biological Report, must be implemented. Paving and non-absorbent hard surfaces should be minimized in favor of \*absorbent\* hard

surfaces and meadow where appropriate. REAL, in-ground trees should be planted, along with supporting shrubbery, instead of "boxed" trees, and no existing trees should be removed, and existing nests, shrubbery and habitat must be preserved as much as possible. Vernal Pool areas must be preserved not surrounded by cement, and can be enhanced with native trees and plants.

SR City Planners and City Council, and Sonoma County at large, must work with the nature and ecology here, preserving it instead of destroying it. The City must demand an EIR for this CHSC Supportive Housing Project. We demand that SR City Council and City Planners abide by the tenets, spirit and purpose of our Good Faith Annexation Agreement with the City and RR-RH designation, as well as CA state Law for areas where Supportive Housing belongs, and reject this Urban-scaled Supportive Housing Project as it is currently proposed; or, move it to a more appropriate Urban lot, such as next to the new VA building on Corporate Pkwy.

Lastly, I would consider offering my services and skills in regenerative agriculture, ecological restoration, and permaculture, to help any interested residents of this Veterans community learn more about habitat preservation, healthy and restorative gardening techniques, and ecologically sound food production, should they want or need this.

Sincerely,  
Johanna Greenberg, VMD  
2215 W Hearn Ave, SR, CA

Fig 1: map of W Hearn Ave and contiguous surrounding wild lands







**From:** Rena <[itsrena@gmail.com](mailto:itsrena@gmail.com)>

**Sent:** Tuesday, June 8, 2021 8:51 AM

**To:** Weeks, Karen <[KWeeks@srcity.org](mailto:KWeeks@srcity.org)>; Peterson, Julian <[jpeterson@srcity.org](mailto:jpeterson@srcity.org)>; Carter, Charles <[CCarter@srcity.org](mailto:CCarter@srcity.org)>; Kalia, Akash <[akalia@srcity.org](mailto:akalia@srcity.org)>; Duggan, Vicki <[VDuggan@srcity.org](mailto:VDuggan@srcity.org)>; Okrepkie, Jeff <[JOkrepkie@srcity.org](mailto:JOkrepkie@srcity.org)>; Holton, Jeffrey <[JHolton@srcity.org](mailto:JHolton@srcity.org)>; Sheikhal, Monet <[msheikhal@srcity.org](mailto:msheikhal@srcity.org)>; \_CityCouncilListPublic <[citycouncil@srcity.org](mailto:citycouncil@srcity.org)>; Fleming, Victoria <[VFleming@srcity.org](mailto:VFleming@srcity.org)>; Rogers, Chris <[CRogers@srcity.org](mailto:CRogers@srcity.org)>; Schwedhelm, Tom <[tschwedhelm@srcity.org](mailto:tschwedhelm@srcity.org)>; Rogers, Natalie <[NRogers@srcity.org](mailto:NRogers@srcity.org)>

**Subject:** [EXTERNAL] Re: RESPONCE: West Hearn ave CHSC Veteran's village/ wetland Proposal in a RR-20-RH City designation

Dear Mr. Kasimov, Supervisor Hopkins, Mayor Tom Schwedhelm, Vice Mayor, Victoria Fleming, & Council Members John Sawyer, Chris Rogers, Ernesto Olivares, Jack Tibbetts, & Richard Dowd, Natalie Rogers & all Planning Commission and City Council members,

*"I firmly believe, from what I have seen, that this is the chosen spot of all this earth as far as Nature is concerned." Luther Burbank*

**This is an urgent matter!**  
**Our Nature is being threatened!**

**Let me be clear...**

We as a neighborhood take seriously the issues that may impact our rural way of life in concert with all of nature!

2017 concluded the City's mandatory annexation of w. Hearn ave., and the adoption of its new designation; *Rural Residential Heritage Low Density designation: RR-20-RH.*

**In light of this oversized development threat** - of the CHSC Veteran's Village on West Hearn ave - to our Rural Residential *Low Density* Heritage Neighborhood, **we have hired Rebecca L. Davis, Attorney with Lozeau Drury, and Shawn Smallwood PhD in Ecology with 35yrs experience** to keep you, our City representatives informed of the miss doings of this proposed project so far.

Our Attorney's findings in concert with Dr. Smallwood in short are as follows...  
( please refer to and read their full briefs sent to you directly )

**Re: Public Comment on Initial Study/Mitigated Negative Declaration  
for Hearn Veterans Village (City Project File # MIN21-001)**

**III. THE PROJECT IS NOT CONSISTENT WITH THE CITY'S ZONING CODE AND WILL CHANGE THE CHARACTER OF THE NEIGHBORHOOD.** Per the City of Santa Rosa General Plan 2035 Land Use Diagram (October 18, 2016), the Project site is designated Very Low Density Residential which is intended to accommodate single-family detached units at a density of 0.2 to 2.0 dwelling units per acre. This designation was changed to Very Low Density Residential (allowing 0.2 to 2 units per acre) from Low Density Residential (allowing 2 to 8 units per acre) following lengthy negotiations between the City and the West Hearn Avenue residents prior to approval of the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation Project. West Hearn Avenue residents wanted to ensure that the rural character of the neighborhood was maintained if annexation occurred. In addition to designating the area as Very Low Density Rural Residential, the City also agreed to create a "Rural Heritage combining district," which it applied to the neighborhood. The purpose of the Rural Heritage combining district is "to recognize, preserve, and enhance Santa Rosa's rural communities." Santa Rosa Mun. Code sec. 20-28.090(A). This zoning standard is specifically applied to the West Hearn Avenue neighborhood in which the Project is located. Id. at (C)(1).

The Project violates both the spirit and the letter of the agreement and the Zoning Code. It would create eight new residential units (four primary residences and four ADUs) on 2.01 acers of land, creating a density of 4 units per acre, which is twice the maximum density permitted on land designated Very Low Density Residential. The Project's violation of the Very

City of Santa Rosa  
Hearn Veterans Village MND

June 7, 2021

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Low Density standard is a significant impact under CEQA because density standards are meant to avoid or mitigate a variety of environmental impacts.

In addition, the Project will change the existing character of the neighborhood., which is distinctly rural. Every other property on this

street has a single family home that is one-story on parcels of .5 acres, with houses ranging in size between 1,000 and 1,200 square feet. Most have small family farms that include sheep, goats, chicken, pigs, cows, and horses. In contrast, the proposed Project will include four main houses of 3,139 square feet, over two stories, with accessory units being 1,008 square feet. The Project buildings will be massive compared to the existing homes. The Project will house 37 people on 2 acres, or nearly double the population currently living on West Hearn.

By violating the agreed upon land use designation, and failing to protect the rural character of the neighborhood, the City and Applicant are acting in bad faith.

### **CONCLUSION**

The West Hearn Residents for Rural Integrity are not opposed to the type of use proposed. Instead, they are opposed to the density of the Project, its failure to maintain the character of the neighborhood, and the Project's environmental impacts, particularly impacts to the abundant wildlife that uses the Project site. Despite a willingness to discuss their concerns with the Applicant, over the past five years, the applicant never reached out to neighborhood residents. Instead, it waited until the proposal was complete, after decisions had already been made about density, location, mitigation, etc. Rather than asking for true input, the Applicant is now merely presenting the pre-determined plan to neighbors.

For the foregoing reasons, we respectfully request the City:

1. Prepare an EIR to address the MND's inadequacies, as described above;
2. Require the Applicant to resubmit the Project only once a new design is prepared that complies with the City of Santa Rosa's zoning requirements;
3. Direct the Applicant to undertake good faith discussions with the West Hearn Avenue Neighbors to resolve their concerns;
4. Postpone the Planning Commission's hearing on the Project until the above corrections have been made.

**Below I have included my own brief...**

### **A quick background:**

As you know, we are newly incorporated into the City of Santa Rosa, with the designation of Rural Residential Heritage Neighborhood. West Hearn Ave is one of those little known rural-gem neighborhoods built in the late 50's with a mix of

1/2 to 1acre+ parcels, on a dead end country style street, with a narrow old road and open drainage ditches and the natural tributary called Rosaland Creek running through it.

For 27 years I have called this neighborhood community with all the wildlife, natural habitats and supportive close knit neighbors, my home.

### **Annexation:**

In 2017, the City of Santa Rosa adopted & created a new Rural Residential Heritage Low Density designation: RR-20-RH.

Our neighborhood's annexation is in keeping with all the conditions of a rural quality of life, in concert with nature's beauty, riparian corridor, vernal pools, natural creeks and all the wild life and plant life supported by the rural nature of the area.

### **Neighborhood Protection:**

The City of Santa Rosa's new **Rural Heritage (RR-20-RH)** district designation is intended to reduce threats of urban renewal, and other federally funded projects. And, in more detail, it **is aimed at controlling the size, quality, and scale of new construction in the district...** thus protecting the character and quality of the area.

### **CHSC- Veterans Village:**

CHSC has an honorable vision: to create "...permeant supportive housing development for the homeless veterans."

CHSC's vision for, idea of, creating more permanent supportive housing for these Veterans makes me wonder...??

~How do we as an entire City Community support our Homeless Veterans, while maintaining the quality of our rural neighborhood's, & their natural resources and wildlife's natural habitats while supporting specific development needs?

~How do the developers and the greater community create a win-win outcome within a Low Density, Rural Residential Heritage Neighborhood designation?

~How does a property with not only 1, but 2 beautiful & naturally occurring vernal pools and the host of species dependent on them for survival co-exist, supporting each-other?

~How do we naturally coexist in harmony to support the greatest outcome on a property with specific zoning Characteristics?

~How do we support all its inhabitants, humans, animals and nature...? thus protecting the character and quality of the area for all to co-exist and enjoy?

These are questions worth considering! Don't you think?

### **Mitigation:**

I understand it is common practice to mitigate Habitats to build more buildings... but at what cost to the wildlife who depend on us?

**~Have we all truly considered the full scope of this proposal, and how it will impact our little Rural-Heritage Neighborhood?**

~What if we work with & protect these natural resources?

...Use our innate genius to figure out a true win-win outcome for the people and animals that call this **Rural-Heritage Neighborhood home!**

In my humble opinion, there seems to be plenty of room on this proposed property to **build a smaller** facility in keeping with the City of Santa Rosa's adopted **Rural Heritage (RR-20-RH) district designation** and all that this designation supports and rejects with appropriate residential footprints (air & land), thus protecting and supporting the character and quality of the area for all. Vernal pools included!

### **Park meadow & Roseland Creek:**

We are located within the 100 year floodplain of the Laguna de Santa Rosa, where tributaries like the Rosalind Creek are naturally occurring, important and supportive to our local area's habitat.

The proposed parking and opening up of the fire lane, aka Park Meadow dr., which is built right alongside Roseland Creek, was never meant to be a through road much less a driveway or parking lot.

Using this for any type of constant traffic, parking or drive through has a detrimental impact on the wildlife & creek being contaminated directly by the high activity of cars and their oils, gas & liquids. These effluents will negatively affect the immediate area and those down line of the Creek tributaries. Although it may look like a great option on paper, to use this existing fire road to expand the functionality for the proposed Village, but in actuality, it has disastrous consequences! We are smarter than that! And there are other solutions yet to be explored, more in keeping with the existing area.

### **West Hearn ave:**

Our little dead end rural street is not built for this type of increased traffic. It is old, tattered and narrow. As it is, when the service trucks for the existing veteran's

facility arrive, they block 1/2 the street to unload. Part of our natural habitats are supported by the simple open ditch type storm drains that effectively allow rain water to soak into the soil, replenishing our aquifers and the Laguna de Santa Rosa. Removing them is counter to the innate Rural habitat.

### **20-22.020 Purposes of the residential zoning districts.**

The purposes of the individual residential zoning districts and the manner in which they are applied are as follows.

A. RR (Rural Residential) district. The RR zoning district is applied to areas of the City intended to accommodate residential neighborhoods with compatible agricultural uses, but where the primary uses are residential, and compatible accessory uses. The maximum allowable density ranges from 0.2 to two dwellings per acre... The RR zoning district implements and is consistent with the Residential—Very Low Density along with the Rural Heritage land use classification of the General Plan.

### **Neighborhood Protection:**

the City of Santa Rosa's new Rural Heritage (RR-20-RH) district designation is intended to reduce threats of urban renewal, and other federally funded projects. And, in more detail, it is aimed at controlling the size, quality, and scale of new construction in the district... thus protecting the character and quality of the area.

### **My Conclusions:**

When CHSC chooses a site, it is not only about their project's end game vision and how it will affect their mission, bottom line & those few fortunate individuals that will benefit, but it is also about integrating the project into the existing area. Taking everything into consideration, including; animals, nature, our fresh water ways, and the existing Rural Heritage Neighborhood's people.

I welcome the Veterans to our neighborhood.

### **Done properly,**

and in accordance with the primary zoning RR-20-RH, (where uses are residential and designations control size, quality, and scale of new construction, to protect the character and quality of the area) the health and well being of these amazingly brave people will be served & supported as will the health and well being of the existing natural wildlife, habitat's & rural neighborhood and current residents.

**Done properly,**

this Veteran's Village with-in the Rural Residential Heritage Low Density designated Neighborhood (RR-20-RH), -resplendent with natural beauty and resources- will create a supportive environment for our Veteran's to heal and have a beautiful place to call home!

Just as the CHSC Veteran Village's honorable mission/vision states to create; "...permeant supportive housing development for the homeless veterans." as it works to impact individual lives, families, community health and safety.

Thank you for your kind attention to this matter.

And being willing to think creatively & holistically for all involved!

Albeit, perhaps a bit 'out-side the box'...

But, oh...doesn't that feel good!?!

Sincerely, Rena Radich

*West Hearn ave Residents for Rural Integrity*

2235 west Hearn ave.,

Santa Rosa, CA 95407

*"I firmly believe, from what I have seen, that this is the chosen spot of all this earth as far as Nature is concerned." Luther Burbank*





# CITY OF SANTA ROSA HEARN VETERANS VILLAGE

## ATTACHMENT C APPLICANT RESPONSE TO COMMENTS

C-1: CHSC RESPONSES, JULY 26, 2021

C-2: WILDLIFE RESEARCH ASSOCIATES RESPONSES, JULY 28, 2021

PREPARED BY:



Metropolitan Planning Group  
499 Humboldt St  
Santa Rosa, CA 95404

August 2021

## ATTACHMENT C-1

131-A STONY CIRCLE N° 500, SANTA ROSA, CA 95401  
tel 707 578 2338 fax 707 578 2339 www.ch-sc.org



WE BELIEVE **HOME** IS FOR EVERYONE

July 26, 2021

Monet Sheikhal, Planner  
City of Santa Rosa  
100 Santa Rosa Avenue  
Santa Rosa, CA 95401

Dear Ms. Sheikhal:

Per your email request of 06/08/2021, we have provided responses to comments that have been made both prior to the circulation of the Mitigated Negative Declaration ("MND") and during the MND comment period. We have responded with Project Modifications first, and then with answers to other comments that have been made about aspects of the project that already are part of the project design.

The following Project Modifications to Hearn Veterans Village are a substantial attempt to balance CHSC's wish to be part of the neighborhood with its mission to develop more quality affordable supportive housing for homeless veterans, which provides a substantial public benefit. Although this is a by-right affordable housing project, CHSC has committed to integrate these Project Modifications into Hearn Veterans Village.

### PROJECT MODIFICATIONS MADE PRIOR TO MND CIRCULATION

Neighbor Concern	CHSC Response
Safety for children and families who currently walk and play along the Park Meadow Drive EVA owned by CHSC	CHSC has added a new walking path to the west of the parking spaces along Park Meadow Drive. Bollards will remain along the north end of Park Meadow Drive; this will never be a through street. Path will be paved and maintained by CHSC. This reflects substantial construction cost to design, build, and maintain.
Over flow parking will spill onto West Hearn Avenue	CHSC has added 6 additional parking spaces to insure there are enough spaces for more than 50% of the 32 people who will reside at the property. Staff from Nation's Finest will park at Hearn House and walk around to Park Meadow Drive or use the gate between the two properties when accessing Hearn Veterans Village.
Veterans residing will be able to watch young girls swimming in backyard pools or playing in backyards	To provide privacy both for veterans residing at Hearn Veterans Village and for adjacent back yards of neighbors in Northpoint Village, CHSC has shifted all second-story windows from their originally designed locations to obscure views. For those windows that

located along the commonly shared fence line between Northpoint Village and Hearn Veterans Village

cannot be moved without completely re-designing floor plans, exterior free-standing metal screening has been designed to obscure views into and out of second-story windows.

#### PROJECT MODIFICATIONS MADE IN RESPONSE TO COMMENTS ON THE MND

##### Neighbor Concern

Second-story on the Hearn Veterans Village houses are incompatible with this single-story neighborhood

##### CHSC Response

The proposed design is not incompatible with the current neighborhood. The building height complies with City Code and the existing neighborhood does have some two-story buildings on the street as well as other two-story buildings visible from the street. The second story was added to minimize building footprint, providing maximum open space for residents and space to preserve the wetlands with a 20' buffer zone. The houses are set apart from each other minimizing the visual impact of the second story. The second story does not impact the health and safety of the residents or neighborhood. Further, under the Housing Accountability Act, this aesthetic concern is not sufficient to deny the housing or require a lower unit count.

Development is too dense with 32 veterans

Hearn Veterans Village is consistent with the development potential anticipated by the General Plan 2035 population projections and the slightly reduced (due to the change from Low Density to Very Low Density Residential) population projections of the Roseland Specific Plan and Annexation project (as analyzed in the corresponding EIR's prepared for the General Plan and Specified Plan). CEQA addresses project impacts with regard to substantial unplanned population growth rather than population density. Development of the Hearn Veterans Village site as proposed is consistent with the established land use, zoning regulations, and planned population growth.

#### OTHER COMMENTS SUBMITTED TO CHSC

##### Neighbor Concern

There are no plants for bees, butterflies, or birds

##### CHSC Response

CHSC initially developed a low-water sustainable landscape plan that integrates drought tolerant native plants that provide habitat for at-risk species, including lavender and native grasses. A list of habitat-

supporting plants has been attached to this letter. The final planting plan will be developed later in the process, and will include additional habitat-supporting plants for bees, butterflies, and birds.

California Tiger Salamander ("CTS") credits

CTS mitigation bank credits are available in sufficient amount to satisfy the required acreage to be mitigated, per CHSC's consultations with CTS mitigation bank agent.

Outdoor cats belonging to veterans at Hearn Veterans Village will kill neighborhood bird population

CHSC allows Emotional Support Animals and Service Animals. Cats that qualify as Emotional Support Animals are not allowed unaccompanied outside any veteran's unit. When outside, they must be on a leash or otherwise contained in a carrier, and the veteran must clean up after their Emotional Support or Service Animal.

The project does not prioritize energy efficiency

In fact, the project is being designed to meet Zero Net Energy standards. The residents, by virtue of living in small hyper-efficient apartments, will be among the least-energy-consuming residents in Sonoma County, using roughly 1/4th as much energy as a resident of a standard sized, existing house in Santa Rosa.

Expected vehicle ownership

In CHSC's experience, rarely do more than 50% of their veterans have cars, either at initial occupancy or later in tenancy.

CHSC is considering a shared van service with the program operated by Nation's Finest at Hearn House.

One neighbor, Lennie Moore, has stated that he did not receive any outreach or communication from CHSC

- CHSC engaged Susan Barnes of Barnes & Company to reach out to neighbors via email and telephone.
- Ms. Barnes left a voicemail message for Mr. Moore on April 6, 2021 that was never returned.
- Ms. Barnes sent an email to Mr. Moore on April 6, 2021 that was not returned.
- Ms. Barnes sent another email to Mr. Moore on April 12, 2021. Mr. Moore's April 12 reply confirmed he had received the April 6, 2021 email and would address his concerns in the Neighborhood Meeting.
- Mr. Moore sent an email to Ms. Barnes on April 15, 2021 requesting a recording of the Neighborhood Meeting.



- Ms. Barnes replied to Mr. Moore's April 15, 2021 email on April 23, 2021
- Chris Cabral of Nation's Finest, the planned Lead Services Provider, provided responses to Mr. Moore's questions about services provision in two extensive emails on April 28, 2021.
- Mr. Moore sent an email to Ms. Barnes and Paula Cook on May 10, 2021 with comments and questions regarding the selection of tenants and provision of services, neither of which relate to the land use request made by CHSC to the City of Santa Rosa and considered in the Hearn Veterans Village MND.
- Barbara Towner, project manager for the Hearn Veterans Village development, replied to Mr. Moore's questions and comments by email on June 28, 2021, citing Ms. Cook's recent back surgery, complications, and hospitalization for her delayed responses, many of which were previously provided in Ms. Cabral's April 28, 2021 emails.

CHSC has diligently attempted to reach out and respond to neighbor fears, concerns, and issues, and has done so with respect and professionalism. CHSC made substantial – and expensive – modifications, including adding parking spaces, adding a walking path, re-orienting windows, and adding screening. Despite these efforts and changes, it appears that CHSC's truthfulness and intentions are still doubted and questioned. CHSC has responded to as many neighbor concerns as we believe is financially feasible and frankly, fair.

CHSC looks forward to being a good neighbor, as we are at all of our supportive housing properties. The primary contact for CHSC is Barbara L. Towner, project manager, [barbara@craigmeltzner.com](mailto:barbara@craigmeltzner.com), 707.526.6336. The primary contact for Nation's Finest is Chris Cabral, [CCabral@nationsfinest.org](mailto:CCabral@nationsfinest.org), 707.623.1757.

Thank you for the opportunity to respond to comments about Hearn Veterans Village.

Sincerely,

A handwritten signature in blue ink that reads "Paula Cook".

Paula Cook  
Executive Director

Candidate Plant List

Trees

Botanical Name	Common Name	HxW	Type	Exposure	Seasonality	Habitat Type	Native	Layer	Habitat Uses
Aesculus californica	California buckeye	40'x40'	Tree	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	yes	High	Habitat
Arbutus menziesii	Madrone	20'x20'	Tree	Sun/Pt. Shade	Evergreen	Bird	yes	High	Fruit, Habitat
Cercis occidentalis	Western Redbud	6-25' tall/wide	Tree	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	yes	High	seeds (fall), Flowers (spring)
Liriodendron tulplifera	Tulip Poplar	50'x30'	Tree	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	no	High	seeds (fall)
Nyssa sylvatica	Black/Sour Gum	45'x25'	Tree	Sun/Pt. Shade	Evergreen	Bird	no	High	Fruit
Quercus agrifolia	Coast Live Oak	50'x30'	Tree	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	High	Habitat, Seeds, Insects
Quercus douglasii	Blue Oak	50'x30'	Tree	Sun/Pt. Shade	Deciduous	Bird	yes	High	Habitat, Seeds, Insects
Quercus lobata	Valley Oak	80'x50'	Tree	Sun	Deciduous	Bird	yes	High	Habitat, Seeds, Insects
Sequoia sempervirents	Redwood	70'x30'	Tree	Sun/Pt. Shade	Evergreen	Bird	yes	High	Habitat
Tilia americana 'Redmond'	Redmond American Linden	80'x50'	Tree	Sun/Pt. Shade	Deciduous	Bird	no	High	Habitat, Seeds, Insects

Site Plantings

Botanical Name	Common Name	HxW	Type	Exposure	Seasonality	Habitat Type	Native	Layer	Habitat Uses
Abutilon spp. & cvs	Flowering Maple	Varies	Shrub	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	varies	Mid	
Achillea millefolium & cvs	Yarrow	3'x3'	Perennial	Sun/Pt. Shade	Perennial	Bird/Bee/Butterfly	varies	Low	Insects
Amelanchier alnifolia	Western Service Berry	3'x2'	Shrub	Pt. Shade	Deciduous	Bird	yes	Mid	Fruit
Arctostaphylos manzanita	manzanita	6'x10'	Shrub	Sun/Pt. Shade	Evergreen	Bird	yes	Mid	Habitat, Nectar
Artemisia californica	California Sagebrush	2'x4'	Shrub	Sun	Deciduous	Bird/Bee/Butterfly	yes	Low	Leaves, Flowers (spring-fall), Seeds (fall-winter)
Arctostaphylos uva-ursi	Southern Kinnikinnick	1'x6'	Groundcover	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Nectar
Baccharis pilularis	coyote brush	2'x8'	Groundcover	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Seeds (summer-fall)
Ceanothus sp.	California Lilac species	6'-25' tall/wide	Shrub	Sun/Pt. Shade	Evergreen	Bird and Bee	yes	High	Habitat, Seeds, Insects
Chaenomeles speciosa	Flowering Quince	8'x8'	Shrub	Sun/Pt. Shade	Evergreen	Bird and Bee	yes	Mid	
Correa 'Dusky Bells'	Red Australian fuchsia	18'x3'	Shrub	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	no	Low	Nectar
Dietes bicolor, D. iridioides	Fortnight lily	3'x3'	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	no	Low	Habitat
Epilobium canum	California fuchsia	12"x2'	Perennial	Sun	Perennial	Bird/Bee/Butterfly	yes	Low	Nectar
Eriogonum arborescens	Santa Cruz Island Buckwheat	2'x3'	Shrub	Sun	Evergreen	Bird/Bee/Butterfly	yes	Mid	Nectar, Insects, seeds (fall), leaves
Eriogonum giganteum	St. Catherine's Lace	4'x6'	Shrub	Sun	Evergreen	Bird/Bee/Butterfly	yes	Mid	Nectar, Insects
Eschscholzia californica	California Poppy	1'x1'	Perennial	Sun	Annual	Bird/Bee/Butterfly	yes	Low	Nectar, Insects, Seeds (summer)
Festuca californica cvs.	CA Fescue and cultivars	3'x3'	Grass	Sun/Pt. Shade	Perennial	Bird	yes	Low	Seeds, Insects
Galvezia speciosa	island bush snapdragon	3'x8'	Shrub	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Mid	flowers (spring)
Grevillea noellii	Grevillea	4'x4'	Shrub	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	no	Mid	Nectar
Heteromeles arbutifolia	Toyon	8'x10'	Shrub	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	High	Habitat, Fruit (Fall/Winter)

Heuchera maxima	Island Alum Root	1'x2'	Perennial	Pt. Shade	Evergreen	Bird	yes	Low	Flowers (spring)
Lavandula sp.	Lavender species	3'x3'	Shrub	Sun/Pt. Shade	Evergreen	Bee	no	Mid	
Mahonia aquifolium	Oregon Grape	6'x6'	Shrub	Pt. Shade	Evergreen	Bird	yes	Mid	Berries (summer)
Mimulus aurantiacus	sticky monkeyflower	5'x5'	Shrub	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Mid	Nectar
Monardella linoidea	Willoway Monardella	1'x2'	Perennial	Sun	Evergreen	Bird/Bee/Butterfly	yes	low	Nectar
Muhlenburgia rigens	Deer Grass	4'x4'	Grass	Sun	Semi-evergreen	Bird	yes	Low	Seeds, shelter
Rhamnus californica	CA Coffeeberry	6'x10'	Shrub	Sun/Pt. Shade	Evergreen	Bird	yes	Mid	Habitat, Fruit (Summer/Fall), Insects
Rhus ovata	Sugar Bush	10'x10'	Shrub	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	High	Fruit (Summer/Fall)
Ribes aureum	Golden Currant	8'x8'	Shrub	Pt. Shade	Evergreen	Bird	yes	High	Habitat, Nectar, Fruit (Summer/Fall)
Ribes speciosum	Fuchsiaflower Gooseberry	6'x4'	Shrub	Pt. Shade/Shade	Deciduous	Bird	yes	Mid	Habitat, Nectar, Fruit (Summer/Fall)
Ribes viburnifolium	Catalina Currant	2'x8'	Shrub	Pt. Shade/Shade	Evergreen	Bird	yes	Low	Habitat, Nectar, Fruit (Summer/Fall)
Rosa californica	wild rose	8'x10'	Shrub	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	yes	High	Hips (summer-fall)
Salvia apiana	White Sage	4'x4'	Shrub	Sun	Deciduous	Bird/Bee/Butterfly	yes	Mid	Habitat, Nectar, Seeds, Insects
Salvia clevelandii	Cleveland Sage	4'x6'	Shrub	Sun/Pt. Shade	Evergreen	Bird	yes	Mid	Habitat, Nectar, Seeds, Insects
Salvia leucophylla	Purple Sage	3'x6'	Shrub	Sun	Evergreen	Bird	yes	Mid	Habitat, Nectar, Seeds, Insects
Salvia spathacea	Hummingbird Sage	2'x3'	Perennial	Pt. Shade/Shade	Evergreen	Bird	yes	Low	Habitat, Nectar, Seeds, Insects
Trichostema lanatum	wooly blue curls	5'x5'	Shrub	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Mid	Flowers (summer)
Vitis californica	CA Grape	15' tall	Vine	Sun/Pt. Shade	Deciduous	Bird	yes	Mid	Fruit, Summer, Insects

### Bioretention Plantings

Botanical Name	Common Name	HxW	Type	Exposure	Seasonality	Habitat Type	Native	Layer	Habitat Uses
Achillea millefolium & cvs	Yarrow	3'x3'	Perennial	Sun/Pt. Shade	Perennial	Bird/Bee/Butterfly	varies	Low	Insects
Asclepias speciosa	Milkweed	2'x1'	Perennial	Sun/Pt. Shade	Perennial	Bird/Bee/Butterfly	yes	Low	Habitat and Butterflies
Asclepias fascicularis	Narrowleaf Milkweed	2'x2'	Perennial	Pt Shade	Perennial	Bird/Bee/Butterfly	yes	Low	Habitat and Butterflies
Carex divulsa	Berkeley sedge	2'x2'	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Habitat and cover - year round
Carex pansa	California meadow sedge	1'x1'	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Habitat and cover - year round
Carex subfusca	Rusty sedge	1'x1'	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Habitat and cover - year round
Chondropetalum tectorum	Cape rush	4'x4'	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	no	Mid	Thicket habitat cover
Deschampsia cespitosa	Tufted hairgrass	2'x2'	Grass	Pt. Shade	Deciduous	Bird/Bee/Butterfly	yes	Low	Seeds, nesting, habitat
Dietes bicolor, D. iridioides	Fortnight lily	3'x3'	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	no	Low	Habitat
Elymus glaucus	Blue wild rye	2'x2'	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Seeds, nesting, habitat
Festuca californica	California fescue	2'x3'	Grass	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	yes	Low	Seeds, nesting, habitat
Juncus effusus	Pacific rush	12'x12"	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Habitat
Juncus patens	Blue rush	12'x12"	Grass	Sun/Pt. Shade	Evergreen	Bird/Bee/Butterfly	yes	Low	Habitat
Physocarpus capitatus	Pacific ninebark	8'x8'	Shrub	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	yes	Mid	Larger cover
Sisyrinchium bellum	Blue-eyed grass	6"x12"	Grass	Sun/Pt. Shade	Deciduous	Bird/Bee/Butterfly	yes	Low	Habitat, pollinator



## Wildlife Research Associates

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July 28, 2021

Monet Sheikhal, City Planner  
City of Santa Rosa  
Planning and Economic Development Department  
100 Santa Rosa Avenue, Room 3  
Santa Rosa, CA 95404

**RE: Response to Public Comments – Biological Resources Initial Study/Mitigated Negative Declaration for the Hearn Veterans Village Project.**

Dear Ms. Sheikhal:

Wildlife Research Associates has reviewed the biological comments and attached tables received by the City of Santa Rosa from Dr. Smallwood regarding the Initial Study/Mitigated Negative Declaration for the Hearn Veterans Village Project located at 2149 West Hearn Avenue, in the southwestern portion of the City of Santa Rosa, Sonoma County.

Below are our responses to the comments he raised in the order of topics he presented in his letter dated June 7, 2021. Our responses are based on the assessment requirements of the California Environmental Quality Act (CEQA) Appendix G IV Biological Resources and our professional opinion of almost 30 years and over 300 projects in Sonoma County.

*Issue: Presence of a remnant streambed to the west (paragraph 4, page 1)*

Sonoma County designated this portion of Hearn Avenue area as a Riparian Corridor Combining Zone with a 200-foot setback from top of bank, with high density residential (PRMD 2013). However, the map legend clarifies the designation to state, "The actual setback is based on site specific conditions including the actual location of the stream or riverbank, the extent of the riparian vegetation, and periphery of any adjacent wetlands."

This portion of Roseland Creek, Reach 4 (City of Santa Rosa 2013a), was diverted in the 1970's and moved north 992 feet to its current location on the northside of the Park Meadow Drive development. It is now a grass-lined flood control channel, consisting of long pools and glides, with very few riffles (City of Santa Rosa 2013a). The Creek Master Plan map (City of Santa Rosa 2013b) does not show this portion of West Hearn Avenue as a designated Riparian Corridor Zone. There is no stream course to the west of the project site. Aerial mapping does not show a riparian corridor in this portion of Hearn Avenue. The parcel to the west is heavily grazed by domestic farm animals and has a swimming pool. In sum, there is no remnant streambed to the west of the site.



*Issue: The success of the (white-tailed kite) nest would have been less likely without access to forage on the site proposed for the project. (Paragraph 1, page 6)*

The 2.01-acre parcel is a small portion of the larger grasslands in the area. Based on walking transect surveys spaced 10-15 feet apart conducted in 2021, the site does not contain a higher proportion of pocket gophers than the surrounding habitats to the north and west. It is likely that white-tailed kites foraging on the 2.01-acre parcel are more easily observed by neighbors than on the more open grasslands to the west and north.

*Issue: This type of use (aerohabitat) of the project site can be just as important as any other, because that portion of the aerosphere that composes a species' aerohabitat is essential for home range patrol, foraging, dispersal and migration (paragraph 4, page 6).*

Great egrets and cattle egrets are seen routinely flying overhead in the suburban neighborhoods to the east of the project site as they migrate from the breeding site on West Ninth Street south to the foraging habitat of Laguna de Santa Rosa and pastures. This author has seen an adult peregrine falcon training young of the year to hunt birds in redwood trees planted in the front of housing in the neighborhood to the east and has been submitted to the CNDDDB. So, the value of aerohabitat is not based on undeveloped areas alone.

*Issue: Rigor and focus of the biological survey not reported (paragraph 2, page 9)*

Time spent on site on April 27, 2020, was to determine what habitats are present and if they could be occupied by special status species, either for nesting/maternity or a movement corridor.

The CEQA Guidelines Section 15125(a) requires that the CEQA document prepared for a project discuss the "baseline" environmental conditions at and in the vicinity of the project site. CEQA Guidelines Section 15125 (see also Section 15126.6(e)(2)) states the following regarding the environmental setting as it relates to baseline:

*[the CEQA review document] must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to understanding the significant effects of the proposed project.*

The survey involved searching all habitats on the site and recording all wildlife species observed. Wildlife Research Associates cross-referenced the habitats found on the project site against the habitat requirements of local or regionally known special status species to determine if the proposed project could directly or indirectly impact such species and if additional protocol level surveys would be necessary to assess potential impacts to special-status species. The 2.01-acre site that is to be developed supports non-native grasslands. The oak trees and willow trees will remain.

*Issue: Two biologists only came up with 7 species not good biology not enough time spent on site to determine all species e.g., Smallwood 34 species vs 7 species in Biological Resource Assessment. (Paragraph 2, page 9)*

Two biologists conducted the initial site visit, but one was a botanist/wetland specialist and was not looking for wildlife. Subsequent botanical surveys were conducted, with negative findings.

Time spent on the site is not to determine how many species one can see when standing on the site, or how many may be flying overhead. Of the 34 species observed by Smallwood, several species were flying overhead and would never use the site (i.e., ring-billed gull (*Larus delawarensis*), mallard (*Anas platyrhynchos*), great-tailed grackle (*Quiscalus mexicanus*), etc.). The assessment was to determine what habitats were present on the site and to assess whether special status species could occupy those habitats based on surrounding habitats. This is the appropriate focus under CEQA Guidelines Section 15125(a), which requires that the CEQA document prepared for a project discuss the “baseline” environmental conditions at and in the vicinity of the project site.

Of the 34 species observed by Smallwood, several are of interest because of the habitats they are typically associated with, such as great-tailed grackle, a species that has only been observed at large water bodies such as Roberts Lake in Rohnert Park or Spring Lake Regional Park (eBird), where they are associated with wetlands with water. They are loud, social birds that can form flocks and provide a nonstop cacophony of whistles, squeals, and gunfire-like rattling as birds jostle for preferred positions in their nesting areas. This is not a subtle species. The other species of interest is the willow flycatcher (*Empidonax traillii*) which has never been known to breed in Sonoma County (Sonoma County Breeding Bird Atlas) (Grinnell and Miller 1944) and has only been identified as an autumn migrant only in Sonoma County, based on sightings in eBird. In addition, one species, the gray fox (*Urocyon cinereoargenteus*), was an assumption and not an actual sighting.

*Issue: No detection surveys were conducted* (paragraph 3, page 9)

For those special status species that are assumed to be present (i.e., nesting birds and California tiger salamander (*Ambystoma californiense*)), the appropriate measures to prevent take of individuals and mitigate for loss of habitat as approved by federal and State agencies are presented in the analysis. The habitat to be impacted is the non-native grassland. No ground nesting birds were observed in April 2020 (Wildlife Research Associates) or in June 2021 (Smallwood). There is no need for exhaustive focused surveys as Smallwood stated (i.e., thermal imaging for bats) because the habitat to be removed, non-native grasslands, does not provide roosting habitat for bats (which is the habitat of concern for these species), there are no special status small mammals in this portion of Sonoma County nor have Swainson’s hawks (*Buteo swainsonii*) been reported in this portion of Sonoma County. In addition, several species Smallwood identified on the site are migrants only, not breeding in Sonoma County, such as willow flycatcher.

Foraging habitat for birds is not protected unless the species is State listed. Standard protections are provided for all nesting birds pursuant to California Fish and Game Code Sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act; however, the protection is for the occupied nest, eggs, nestlings and adults during the nesting season. Although the white-tailed kite is State listed as a fully protected species, the foraging habitat is not protected and CDFW has not established protections for foraging habitat for this species.

Merely observing sensitive birds flying over a property (as Dr. Smallwood reported), or foraging over or on the site, does not warrant protection because the sightings are not of permanent breeding/nesting/larval development habitat (dependent on what type of animal it is). The types of “incidental” sightings of common bird species, as Dr. Smallwood reported, does not translate into a “potentially significant biological impact” pursuant to the CEQA Guidelines and Regulations. In addition, Smallwood did not provide behavior data on the birds detected and so merely seeing the birds on the site does not equate to reproductively occupying the site. The CNDDB requirements for avian detections are outlined on the General Information for Submitting Avian Detections to the CNDDB on their website.

*Issue: Multiple species and subspecies were considered even though they do not occur in the region. WRA also misapplied the US Fish and Wildlife Service's lists of Bird Species of Conservation Concern, including species that are listed for other regions of the USA. (Paragraph 2, page 10)*

The Bird Species of Conservation Concern (BCC) list was created from the US Fish and Wildlife Service Information for Planning and Conservation. Wildlife Research Associates did not generate the BCC list.

*Issue: Identification of more species based on eBird and iNaturalist for sighting records in the area. (Paragraph 3, page 10)*

Both eBird and iNaturalist are citizen-based applications for documenting bird observations. There are inherent differences in these checklists (e.g., time spent surveying, distance covered, observer skills). For example, Smallwood's Table 2 includes Caspian terns (*Hydroprogne caspia*) that are identified as being nearby, peregrine falcon as adjacent and canyon bat (*Parastrellus hesperus*) as in the region, with no definitions of nearby, adjacent or in region, or how the animals were using the environment. Again, the analysis is to determine which species might occupy the 2.01-acre area of non-native grasslands.

Smallwood's Table 2 also includes species *that are listed for other regions of the USA* and do not occur in Sonoma County, such as Oregon vesper sparrow (*Pooecetes gramineus affinis*), whose range occurs in southwestern British Columbia, western Washington, western Oregon, and northwestern California and whose habitat is nest in dry, open landscapes, with moderately short and structurally diverse grass and forb cover with some patchy bare ground and sparsely vegetated areas. Another species that does not occur in Sonoma County is the yellow-billed magpie (*Pica nuttalli*), which occurs in the Central Valley and, historically, down into Santa Cruz and Monterey counties, but has never occurred in Sonoma County (Sonoma County Breeding Bird Atlas) (Grinnell and Miller 1944).

If detections were conducted by professionals, they would have been reported to the California Natural Diversity Data Base (CNDDB) for the habitats that they occupied at the time of the observation. As stated above, the CNDDB requirements for avian detections are outlined on the General Information for Submitting Avian Detections to the CNDDB on their website.

*Issue: Species with no occurrence potential were based narrowly on whether the species is likely to breed on site and is based on an unrealistic view of wildlife habitat. (Paragraph 4, page 10)*

As stated above, the habitats to be impacted (non-native grasslands) were evaluated for their occupancy by special status species. Occupancy, under CEQA, relates to breeding habitat, not foraging habitat and the analysis for the overall suitability of a site for other wildlife requirements is not required. All nesting birds, except non-native, invasive bird species, such as English house sparrow (*Passer domesticus*), rock dove (*Columba livia*) and European starling (*Sturnus vulgaris*), are protected under the federal Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) and California Department of Fish and Wildlife (CDFW) Codes 3503 (passerines = perching birds) and 3503.5 (raptors = birds of prey).

*Issue: Characterization of ponding on the site was based on a single site visit in late April during a drought year and pools could support California tiger salamander. (Paragraph 1, page 14)*

There is no ponding of water on the site. None of the wetlands are deep enough to support ponding. There were no plants associated with deeper water that could support California tiger salamander. It is well known that California tiger salamander can withstand drought years and may skip breeding or migrate in low numbers to breeding pools when ponds are not deep enough (Loredo and Van Vuren, 1996; Trenham et al., 2000). However, on the Santa Rosa Plain, it is well known that pools of a depth of at least 24.9 cm are required for successful breeding of tiger salamanders (Cook and Stokes 2019). Evidence of such ponding would be obvious in the field based on the plant species components, such as semaphore grass (*Pleuropogon californicus*), manna grass (*Glyceria occidentalis*), tall flat sedge (*Cyperus eragrostis*) and

other aquatic vegetation. None of those signs were present in the wetlands. Only common lippia (*Phyla nodiflora*) was observed on the southern wetland and only creeping wildrye (*Elymus triticoides*) was observed in the northern wetland (Jane Valerius Environmental Consulting 2021).

*Issue: Successful nest of white-tailed kites right next door and in a tree no larger than the trees on the project site would have been less likely without access to forage on the site.* (Paragraph 2, page 14)

This statement is disingenuous. The white-tailed kite nesting tree is a Monterey pine more than twice the height of the oak trees on the site. The nest is not next door, it is more than 350 feet to the west. In addition, of the four pictures of the kites food exchanging, only one is showing the kites over the project area, based on Smallwood being on the west side of the project area. Three of the four kite photographs show the birds with the sun behind them, to the west, compared to the sun behind Smallwood and the birds to the east, on the project site. The kites are not conducting a food transference over the project site, but over the mitigation lands to the north and west.

*Issue: The loss of habitat (for California tiger salamander) at the project site will not be replaced by new habitat.* (Paragraph 3, page 14)

Based on the Santa Rosa Plain Conservation Strategy (USFWS 2005), the USFWS (2020) and the CDFW (2020) agree that mitigation credits purchased according to parameters stated in Conservation Strategy will compensate for loss of habitat. The overall philosophy of the approved mitigation requirements by federal and State regulators is beyond the scope of the BRA.

*Issue: Habitat loss* (paragraph 5, page 14)

Dr. Smallwood cites two studies on bird nesting densities (Young 1948 and Yahner 1982) that are irrelevant to the proposed project site. The studies looked at wooded areas surrounded by (1) acres of woodland and open lake habitats in Madison, Wisconsin (Young 1948) and (2) acres of surrounding prairie and agricultural habitat in Dakota County, Minnesota (Yahner 1982). These two settings are akin to apples and oranges when comparing these properties to the Hearn Village Project site which is a two-acre site surrounded on three sides by residential development. The area surrounding the project site is *not* wide-open prairie lands or agricultural fields which is the setting of the Yahner study. There are no acres of deciduous forest for birds to nest, roost, and forage as is found at the Young study site. Neither of these two sites are a close comparison to the site on West Hearn Avenue. Thus, the bird productivity data Dr. Smallwood cites, the number of fledglings per nest per year does not apply to the subject project site.

The non-native grasslands is unsuitable for most ground nesting birds due to the interference by human residences and local cats, both feral and domestic. Thus, the project site's capacity for producing birds is not enormous, or any greater than the backyards that surround this project site.

*Issue: Wildlife movement corridor* (paragraph 2, page 15)

The CA Essential Habitat was a collaboration of CDFW and 62 other agencies. "The work was guided by input and review of a Multidisciplinary Team of agency representatives, a Technical Advisory Group, and a Steering Committee. The Multidisciplinary Team (~200 people from 62 agencies) provided broad representation across Federal, State, Tribal, regional, and local agencies that are involved in biodiversity conservation, land-use planning, or land management—and that could therefore both contribute to and benefit from efforts to improve habitat connectivity at various scales. The Technical Advisory Group (44 people from 23 agencies) was a subset of the Multidisciplinary Team. It provided technical expertise to help guide such decisions as selection of data sources, models, and mapping criteria. The Steering Committee (ten people from four partner agencies) guided key decisions about workflow, meeting

agendas, and document contents. In addition to review by these agency representatives, the work plan and this final report were subject to peer review by five outside experts in conservation biology and conservation planning.”

“Although the Essential Connectivity Areas were mapped based on coarse ecological condition indicators, rather than the needs of particular species, Essential Connectivity Areas are expected to serve the majority of species in each region. For example, Essential Connectivity Areas in California’s South Coast Ecoregion included on average 81% of the area in each of 11 detailed Linkage Designs prepared by the South Coast Missing Linkages project based on the needs of 14 to 34 focal species each.”

Regional wildlife corridors that have significant values include, well known and agency recognized deer herd or elk herd migration corridors or any other regionally recognized wildlife corridor. The project site is not recognized by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service as providing regionally or locally important wildlife corridors. Other than a wildlife movement area for neighborhood cats, and an occasional Virginia opossum (*Didelphis virginiana*) or perhaps a striped skunk (*Mephitis mephitis*), the project site likely has little to no value as a local wildlife corridor. Impacts to this localized use area would not be considered significant pursuant to CEQA.

*Issue: Bird-window collisions not addressed in development design* (paragraph 1, page 16)

Smallwood references Dunn’s (1993) study that analyzed winter data from homes with bird feeders, which found that the frequency distribution of birds at the feeders closely paralleled the distribution of species killed by nearby windows. As a result, bird feeders will not be an element of the design feature at the Hearn Veterans Village. Additional elements, based on the *Bird-Friendly Building Design* (American Bird Conservancy and New York City Audubon 2015), will be or have been incorporated into the Hearn Veterans Village, as described in the following table.

<b>Bird-Friendly Building Design Recommendations</b>	<b>Hearn Veterans Village Elements</b>
Window screens	<ul style="list-style-type: none"> <li>• All the proposed window types would have a screen on half the window (except for the fixed windows).</li> <li>• The sliding glass doors would have a screen covering half of the opening and are under deep overhangs (more than 6’) as they open onto porches.</li> <li>• L-shaped metal panel landscape screens on lots 3 and 4 to prevent views from second floor windows into neighboring yards.</li> </ul>
Obscure glazing	<ul style="list-style-type: none"> <li>• The fixed windows on the bathrooms have obscure glazing</li> </ul>

If a problem arises with bird collisions, then tape intended to last for several years on the outside of windows has become commercially available and is effective when applied following the 2 x 4 guide, as described on page 26 of the *Bird-Friendly Building Design* (American Bird Conservancy and New York City Audubon 2015).

*Issue: Development would add more house cats* (paragraph 2, page 17)

The parcel currently contains house cats that actively forage on the site. They are likely the reason why there are no ground nesting birds on the 2.01-acre parcel. CHSC allows support animals, which are not allowed to roam free.

*Issue: Whether special-status species occur on site and whether vernal pools occur on the project site.*  
(Paragraph 2, page 18)

Specifically, CEQA appendix G, Section IV Biological Resources, subsection (d) questions whether a project will, “Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?”

The site will not be fully developed, nor will it be fully fenced and will not impede local wildlife movement in the general area.


The non-native grasslands do not support ground nesting birds (as a nursery site), therefore nesting use will not be impeded. The oak and willow trees will remain, and the development will not impede their use in the future. The mitigation measures presented in the BRA prevent take of individuals by conducting nesting surveys prior to removal and conducting a bat habitat assessment of any trees proposed for removal. Often projects have future development dates and conditions may change; as a result, we typically recommend that nesting bird surveys and bat habitat assessment be conducted the year of development.

Foraging habitat, while necessary for the continuance of wildlife in an area is not part of the CEQA analysis for impacts to wildlife. CESA only protects foraging habitat for listed species.

Protocol surveys for California tiger salamander are not required based on the presumption of presence and mitigation will be purchased within the critical habitat as required by USFWS and CDFW.

This concludes the response to biology-related comments on the Hearn Veterans Village.

Sincerely,



Trish Tatarian  
Wildlife Research Associates

## References

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