



February 26, 2023

City of Petaluma
Mayor and Members of the City Council
11 English Street
Petaluma, CA 94952

Re: February 27, 2023, Agenda Item 9 – Public Hearing Scott Ranch FEIR/Project/Park Extension Proposal Review

Dear Mayor and Members of the City Council:

We previously submitted comments (attached) and attended the Planning Commission meeting where the FEIR and housing project/park extension were reviewed.

Our August 2022 submitted written comments continue to stand. We have had an opportunity to review the July 2, 2022 additional submitted comments by Shawn Smallwood, PhD, conservation biologist, working on behalf of Petalumans for Responsible Planning.

Dr. Smallwood is a highly reputed and experienced conservation biologist whose work is trustworthy. Dr. Smallwood's comments should be seriously considered. He accurately documents current environmental circumstances at the Kelly Creek property and predicts future outcomes.

In Dr. Smallwood's July 2022 discussion and responses, on page 36, he describes one of many erroneous premises of the City's consultants for "habitat suitability." Dr. Smallwood states that "The City's conclusion, 'Any observation of a listed species in an area of unsuitable habitat is likely because the individual is passing through or dispersing for some reason not related to habitat conditions in that location,' 'starts from a nonsensical premise that unsuitable habitat exists, and ends in contradiction to the habitat concept. Whatever part of the environment an animal passes through in dispersal or for whatever other reason is habitat.'"

Where CEQA is concerned, on page 37, Dr. Smallwood aptly states, "Given the Precautionary Principle to risk assessment, the burden is on the City to prove absence, and not on me or the public to prove presence of each potentially occurring special-status species."

Based on Biological Resources impacts alone, you as elected leaders cannot make findings to certify the Final Environmental Impact Report for this housing development and proposed park extension.

Our re-review of the FEIR and Dr. Smallwood's additional comments reveals multiple incidences of erroneous and incomplete approaches in the City's identified impacts and dismissal of the need to mitigate or approach to mitigation. One is elucidated on page 40 of Dr. Smallwood's report where the City actually states, "Because red-tailed hawk and the other observed common passerine bird species nesting on the site have no legal protective status, permanent protection of these nest locations is not warranted." Such a statement indicates the absence of understanding of the federally protective Migratory Bird Treaty Act and the State Code protecting nesting birds.

There is such short-sightedness and absence of sensitivity on the part of the City of Petaluma where habitat, species and ecosystems are concerned, which must change. We encourage you to review Dr. Smallwood's comments and then re-review to become familiar with the approach of conservation biology to our natural environment and consider you are in positions as elected leaders to set a course for our Petaluma community for open space preservation and environmental protection and appreciation.

When I visited the site on a tour offered by the Extent Putnam Park group, one visitor actually stated that a mature Eucalyptus tree should be chopped down because it was non-native and could be unsafe. At least, in that setting, a consultant staff representative admitted that the City's biologist had observed an active Red-tailed Hawk nest in that tree and that tree would not be removed. What many on that tour likely did not understand is that an active raptor nest in that location on the Kelly Creek property carried significant meaning to also reflect the ecosystem and its provision of both prey and safe nesting for this rector. For multiple species who rely on this Kelly Creek property for reproduction and sustenance, the land without encroachment, the ecosystem as it is, must remain in its current state.

This wild land, the creek, the grassland, the trees, represent a complex interactive ecosystem for multiple species –the land should be conserved in its entirety. The Kelly Creek property is a gateway to Petaluma, is located in a wildlife corridor that intersects with an additional wildlife corridor, and is part of a delicate balance of remaining open space and land in West Petaluma. Species able to remain in their habitat are who the greater Petaluma community want to protect and to save as well. The wildlife corridor connection north to Paula Lane and further north to the North River properties must remain intact without further disturbance.

It is not that an effort for full conservation has not occurred or that Petalumans for Responsible Planning has “not raised enough money.” A group separated from Petalumans for Responsible Planning and pursued a housing development with a proposed park extension, with fundraising efforts for that proposal. There is no need for a “park extension” of Helen Putnam Regional Park, an over 200-acre regional park. There has never been a need for a “park extension.” The construction of 28 luxury homes, regardless of size or design, with all accompanying impacts, would destroy this longstanding, untouched, complex ecosystem, open space land that deserves full conservation.

Those who support the proposed 28 luxury home development with a “park extension,” an extremely impactful proposal on the remaining open space, should the housing development move forward, appear to want to feel good about a supposed “win-win” where houses are developed and a park extension is created.

This is not a win-win. It would be a lose-lose and those who claim the housing development and park extension as a win are ignoring and possibly not understanding the true environmental impacts in favor of being able to feel good about luxury homes and a park extension that would decimate the wild land where so many species are surviving.

Full conservation would be prioritized and pursued in any other City of Sonoma County for a land with such exceptional natural features and species, a land on the western edge of Petaluma, connecting to the wildlife corridor with Paula Lane open space and further north and northeast to the North River properties. This entire area of West Petaluma needs to be protected and conserved.

The approved Matching Grant funding from Sonoma County Ag and Open Space has not been disbursed. In the last Matching Grant funding cycle, only two applications were submitted, and one was a request for more funding from the Extend Putnam Park group. Questions were raised in the Advisory Committee meeting about the Extend Putnam Park application, especially considering the first funding for the park extension had not been disbursed and the City Council had not even reviewed the Final EIR and project proposal. A committee member outside the 2nd District made the motion to approve the two applications for recommended funding. With no funding disbursement, those grants can be returned to the Open Space District, and a new fundraising campaign for full conservation initiated. If the Open Space District is open to funding a park extension on this exceptional land, a full conservation effort with habitat protection, restoration and environmental education, along with an appropriate plan for best use of the Red Barn area, would merit consideration for funding. Other funding sources related to the national and state 30x30 initiatives and to protect habitat and special status species of this

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land, along with the aesthetic importance of the Kelly Creek property as a gateway, and connecting to two wildlife corridors will also merit consideration from other funders.

The developer/owner will have the opportunity to become a willing seller to open space, which would set the way for seeking full conservation funding. If the developer/owner is not currently interested in that path, the opportunity would remain available until such time as the developer/owner may become interested.

We set forth this alternative path for elected leaders of the City of Petaluma to consider, as you review the FEIR, housing project and proposed park extension, with clarity that, on Biological Resources alone, you cannot make findings to certify this FEIR. Please demonstrate leadership in terms of what is the most appropriate outcome for this property, a land Petalumans for Responsible Planning has persevered to save for many years.

Sincerely,

Susan Kirks

Susan Kirks, Naturalist
Chair, Board of Directors, Paula Lane Action Network

Enclosure: PLAN August 2022 comment, February 2021 comment



February 9, 2021

City of Petaluma
Planning Commission
11 English Street
Petaluma, CA 94952

Re: Agenda item 8B – Scott Ranch Project – February 9, 2021 Commission Meeting

Dear Members of the Planning Commission:

I am currently reviewing the DEIR, to provide a more detailed comment by February 28, 2021, for the City Council. I appreciate the opportunity to offer preliminary comments, specifically related to the Biological Resources Assessment and findings in the DEIR.

Biological Resources Mitigation Measures identify environmental impacts as Significant for: California red-legged Frog, nesting birds and roosting bats; natural communities, including riparian habitat, native grasslands, and regulated seasonal wetlands; state and federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; movement of 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; and a local policy for protecting biological resources, such as a tree preservation policy or ordinance.

The biological resources impacts on “the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan” may relate not to the fact there may be impacts, but the City of Petaluma specifically does not have an adopted habitat conservation plan, natural community conservation plan, or other local ... plan” for the area where the Kelly Creek property exists. This is one of the reasons I was a candidate in the November 3, 2020 election for City Council. Our City and community are far behind other cities and communities in Sonoma County and the Bay Area in recognizing, identifying, and documenting special natural features and wildlife in South Sonoma County, and taking action for conservation.

An additional biological resources impact indicated as significant in the DEIR includes “potential impacts to special-status plant and wildlife species, including California red-legged frog, special-status plant species, and nesting birds.”

Mitigation measures proposed for each of the above-described areas of impact appear to be inadequate. Human encroachment into currently non-encroached into areas of the open space proposed to be conserved would result in consistent and frequent impacts to habitat and species, including the usual practice of many Petalumans of unleashing dogs and causing degradation of property and potential displacement of species.

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The proposed residential development of 28 luxury homes now in the \$1 million-plus purchase range will bring more impacts to the biological resources. Decrease in the residential development imprint over time is admirable, and the complexity of the current proposal for 28 homes coupled with conserving 44 acres of open space is recognized, along with time and energy and dedication to reach the current iteration of the Kelly Creek property. However, the sensitivity of the complex grassland ecosystem of the Kelly Creek property is equally and perhaps more significant –the environmental review in the area of biological resources appears to be incomplete.

Sonoma County Regional Parks is a responsible public entity, respected and supported in our county. It is much preferable for Sonoma County Regional Parks to be involved in this overall proposal, whatever the outcome, as compared to the City of Petaluma. We in Petaluma have many opportunities to continue to support enhanced awareness and appreciation of our natural environment, and the support by Sonoma County Regional Parks to help us achieve this is an exciting prospect.

The Biological Resources component of the EIR, however, also appears to rely on outdated proponent analyses. And, two additional areas of biological resources analysis need further updating and information. These include American Badger as a special status species using the Kelly Creek property and Wildlife Corridor impacts.

Has the Commission reviewed the April 3, 2013 biological opinion of Dr. Shawn Smallwood (attached)? This was provided to me for review, and knowing Dr. Smallwood's background and extensive experience, this report should be considered and updated. In addition, the Hamilton Biological Resources Report of April 21, 2017, discusses the possibility of American Badger on-site, discovering up to 8 "burrows" and cites a photograph of the Zentner and Zentner report.

With certainty, reviewing the photograph in the Hamilton report (from the Zentner and Zentner report) this is American Badger – it is not a burrow, however. It is evidence of foraging for prey (pocket gopher) and biologists who are not experienced in assessing American Badger habitat, often describe foraging activity as "burrows." In reality, a badger will create one more deeply dug sleeping burrow and in the same area will be several foraged out gopher mounds, some rather deeply dug, but nevertheless representing prey-seeking activity for the badger's sustenance. Of the 8 "burrows" identified in the Hamilton report, these may be foraged out prey holes with potentially one sleeping burrow. The most important take-away of the discovery is the Kelly Creek property represents habitat and a movement area for American Badger.

The Hamilton report on p. 10, in reviewing the Zentner and Zentner report, states: "The question was, however, left unanswered, and now the DEIR claims that the discovery of a non-badger skull 500 feet away from the den, combined with unspecified aspects of the den's "location and position," equate with badgers being "unlikely" to occur on the site."

My 21 years of experience in field study and observations, as well as (see below) documenting 3 wildlife corridors in West Petaluma, can confirm that the Kelly Creek property is utilized by American Badger for foraging, likely a fresh water source (along with many other species), and for movement.

Wildlife Corridor - American Badger on the Kelly Creek Property

What I hope Petalumans who may be experienced in this many-years process related to the Kelly Creek property as well as those relatively new to this development proposal interfacing with Kelly Creek and surrounding property come to realize is: This property and the area host a complex ecosystem that supports multiple species (including special status), nesting birds, the threatened California Red-legged Frog (keeping in mind that CLRF habitat was destroyed during building of the West Haven development in the Windsor Drive area), roosting bats, and also American Badger. The Kelly Creek property is part of a larger wildlife corridor and relates to the Paula Lane open space property north of Helen Putnam Regional Park.

The Paula Lane open space property, documented habitat of American Badger of over 100 years' year-round use, including a natal territory (adult female badger in residence) is less than 1 mile north of Helen Putnam Regional Park and the immediately adjacent Kelly Creek property, with open grassland and residential development interspersed between the two areas.

I was heartened to read a public comment associated with your meeting tonight where the letter's author stated support for "wildlife corridors" in and around Petaluma. Important for the review process related to this development proposal and the Helen Putnam Regional Park proposed extension is, through over 14 years of full-time daily and nightly observation, I personally identified and documented the primary wildlife corridor that exists in West Petaluma, of which the Kelly Creek property is part, and this corridor connects the Paula Lane open space land north and northwest as well as south to Helen Putnam Regional Park and the Kelly Creek property, west of Windsor Drive. While my Naturalist work focused primarily on American Badger movement and habitat documentation, additional species directly observed in movement include Mountain Lion, Bobcat, Grey Fox, and Coyote.

Mountain lions in particular inhabit the Helen Putnam Regional Park environs and the delicate balance of daytime use by park-goers and nocturnal quiet and wildlife use of the park and environs needs to be considered with any changes, such as taking of habitat and increased residential development in this important natural area.

The Kelly Creek property, in addition, exists between two additional wildlife corridors. One extends from the D Street extension to Marin County (Novato, Nicasio and Pr. Reyes National Seashore). One in immediate proximity to Windsor Drive and Western Avenue, close to Chapman and Cleveland Lanes, extends from Bodega Avenue and Bodega Highway to the Sonoma County coast.

As such, the Paula Lane open space property, acquired and conserved in 2012, and the Kelly Creek property, with a many years-long review process and consideration for residential development and saving open space, are significant properties related to wildlife habitat and wildlife movement.

We have documented American Badger for foraging activity and deceased species on or near grassland properties within 1/8 to 1/4 mile of the intersection of D Street and Windsor. The Kelly Creek property and the area west of Windsor Drive, along the D Street extension, comprise habitat as well as a movement area for American Badger. An updated and reliable assessment of American Badger on the Kelly Creek property needs to be completed (I would be pleased to collaborate with a specified biologist to complete this assessment.) The inter-relationship of California Red-Legged Frog to American Badger in its habitat is relevant. The California Red-Legged Frog uses abandoned badger burrows as part of its life cycle. California Red-Legged Frog (*Rayna draytonii*)(CLRF), a CA Threatened species, can coexist with American Badger (*Taxidea taxus*), a CA Species of Concern, in upland habitat areas. The deep foraged prey holes and abandoned badger burrows enhance

CLRF habitat. In upland habitat, CLRF will access “downed woody vegetation, leaf litter, and small mammal burrows that provide protection from predators and prevent desiccation (drying) of California red-legged frogs.” (USFWS, 2011).

As a Naturalist specializing in American Badger, with 21 years of field study, observations and documentation of experience, I have developed a protocol for accurate assessment of American Badger, including a focus on identifying and protecting natal territories. This is a minimum of a 2-year assessment over the 4 seasons of Summer, Autumn, Winter and Spring, to document a badger’s use of habitat and discern the presence of absence of a natal territory on a property or in an area. In West Petaluma, the Paula Lane open space property is a natal territory and, to date, the only identified natal territory in West Petaluma. In summer months, juvenile badgers disperse to seek their own territories (including juvenile female badgers who seek to locate a new natal territory). To ensure safe dispersal, access to prey for foraging in habitat, fresh water, and the ability to move and range are significant to support species survival and biodiversity. The wildlife corridor that connects the Paula Lane open space property with the Kelly Creek property and the land west of Windsor Drive is important for movement and sustenance.

The planned educational and interpretive signage and other uses of the currently proposed open space property and expansion of the park appear to miss opportunities for the depth of educational opportunity for young people and adults related to significant natural components of this property – nesting birds, roosting bats, habitat and movement of American Badger and the California Red-Legged Frog, and the inter-relationship of California Red-Legged Frog and American Badger. I would like to see us embrace the opportunities to educate about and develop appreciation of this grassland ecosystem and the wildlife corridors. When viewing the Kelly Creek property, or the Scott Ranch, through the lens of our environment, with the special natural resources available to protect and appreciate, preservation of open space and land becomes more significant and to be considered. In addition, while the current expansion of park project design appears mostly consistent with the High Use-Low Impact design included in the City’s Climate Action Framework, modifications in both the trail system, to ensure protection of habitat, as well as the educational program would be strongly advised. Again, I would be pleased to collaborate with our Regional Parks staff on these features, depending on the ultimate outcome and decision related to the Kelly Creek property.

When the Planning Commission’s recommendation reaches the current City Council, and the Council members review your recommendation as well as receive public input, I believe definitive leadership is going to be required from our elected officials to ensure the best decision and outcome for this special property and area of West Petaluma.

In the near future, “We Are All Connected,” a wildlife corridor and crossing mapping for Petaluma, including the Kelly Creek property, authored by PLAN, will be provided to the public, organizations and agencies. The mapping includes the three wildlife corridors described above, along with other corridors and potential wildlife crossings. “We Are All Connected” also relates to documentation for decisions that consider climate change, climate action, and preserving wildlife movement areas and habitat to support species survival and biodiversity. This relates to the ability to act locally in the face of the global species extinction threat in the global climate emergency.

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Thank you for the opportunity to offer this comment for your Planning Commission meeting on February 9, 2021.

Sincerely,

Susan Kirks

Susan Kirks, Naturalist
Chair, Board of Directors, Paula Lane Action Network.



August 7, 2022

City of Petaluma
Planning Commission
11 English Street
Petaluma, CA 94952

Re: Scott Ranch FEIR Review – August 9, 2022

Dear Members of the Planning Commission:

Please refer to our correspondence dated February 9, 2021 (copy attached). A review of the Final Environmental Impact Report (FEIR) results in no modification of our expressed concerns.

We have reviewed the Final Environmental Impact Report. We note an absence of response to PLAN's February 9, 2021, comment letter.

Today's comment as expert testimony will further address:

- American Badger (*Taxidea taxus*), an important biological resource, and
- Wildlife corridors in Petaluma Valley, including the Scott Ranch/Kelly Creek property.

The Scott Ranch property, primarily grassland habitat, with fresh water access via Kelly Creek, should be fully considered as American Badger habitat. Project consultants erroneously conclude (3.0-8 FEIR Master Responses to Comments) an absence of evidence of ground squirrels likely means badgers are not foraging on or utilizing the Scott Ranch property for sustenance and residence. Our Sonoma County badger population forages primarily on pocket gophers and meadow voles. Pocket gophers are abundant on the Scott Ranch property. (East and South Bay Area badger populations primarily forage on ground squirrels.)

PLAN has received reports of badger sightings, living and deceased, in the immediate and surrounding areas of the Scott Ranch/Kelly Creek property:

- As far back as 2013 (nearby D Street extension grassland, Bob Dyer),
- 2014 grassland area of Helen Putnam Regional Park (identity protected),
- several sightings (living) in Summer 2017, D Street extension, near Windsor (Erin Hentz),
- 2021 D Street extension closer to Novato Boulevard (Erin Hentz),

To be clear, however, although there are some claims of badger presence east of Windsor Drive, only one juvenile badger, displaced in June 2021 from City of Petaluma-caused habitat destruction at the Paula Lane open space land, finding itself briefly in an outer residential yard of West Haven, has been identified. Excessive human activity in the area east of Windsor Drive is a deterrent to badger presence, along with off-leash dog running and dog excrement.

West Petaluma wildlife corridor-connecting lands of the urban-rural transition and urban-wildland interface are comprised of land on Paula Lane, to the south of Paula Lane land of Chapman Lane and west of Windsor Drive to the D Street Extension. Also, land north of Paula Lane that extends to the Corona Reach, grassland property of the North Petaluma River area, Denman Reach, north to Sebastopol and east to Penngrove and Cotati.

For the local American Badger population, the Paula Lane protected open space land is a natal territory, where an adult female badger historically (for generations) has lived, mated, given birth and annually raised an average of two cubs. June through August is dispersal season for juvenile badgers who will leave the Paula Lane property with beginning foraging and digging skills to establish territory and try to survive. Summertime is when young badgers may find themselves in “learning situations,” a front porch of a residence having smelled water, or a yard with a dog whose barking and excitement will teach the juvenile badger this is not wild habitat, escape and find somewhere else to forage and to dig a burrow to sleep. Those “somewhere else” locations comprise what remains of grassland habitat as well as movement corridors. Another significant challenge to badger survival is the fact that ranches, usually with grazing domestic animals, take grassland which would be habitat for badgers and other wildlife. Some ranchers believe killing wildlife is a standard in order to protect grazing animals. Additionally, grassland and open space are eyed by developers for residential and commercial projects.

Adult badgers who move through their home range as well as dispersing juvenile badgers will naturally move through three wildlife corridors in West Petaluma:

- (1) A north-south-north corridor connecting the Kelly Creek property with Paula Lane to the north and further north to the Corona Reach, the North Petaluma River grassland habitat, and the Denman Reach, extending east to cross Hwy 101 toward Penngrove and extending north toward Cotati and Sebastopol.
- (2) An east-west corridor comprised of Bodega Avenue to Bodega Highway, Bloomfield, Valley Ford and the Sonoma County coast.
- (3) A west-south-west corridor extending from the Scott Ranch/Kelly Creek property at D Street extension to Novato, Nicasio and Pt. Reyes National Seashore.

#1 crosses and connects to #2 and #3. Wildlife corridors in the Petaluma Valley intersect with the Bay Area Critical Linkages macro-mapping, Marin Coast-Blue Ridge segment, to supply critically important local corridor information and identify properties and appropriate areas for conservation.

Identifying open grassland and habitat in these corridors, acquiring and fully conserving lands will support wildlife survival as well as support necessary changes of wildlife movement patterns due to increasing temperatures and the ability to seek cooler areas and locate fresh water and sufficient vegetation and prey for foraging.

The keystone species, American Badger, of the Paula Lane open space land has served as an anchor species to support other wildlife mothers – Black-tailed Deer, Gray Fox, Striped Skunk, Opossum, et al – to perceive safety and access sufficient forage, prey and water sources to give birth and begin to raise young.

The complex ecosystem of the Scott Ranch/Kelly Creek property, with the threatened California Red-Legged Frog, is another excellent example of how full conservation with only minimal human encroachment for ecosystem enhancement or restoration and education, could significantly contribute to the ability for multiple species to survive and even thrive – a component of addressing the threat of species extinction with local action, in the international Climate Emergency.

Where Petaluma Valley's wildlife corridors are concerned, the three corridors described above are essential to preserve. This means identifying, acquiring and conserving properties within these corridors to support ecosystem preservation and natural movement patterns. PLAN's *Wildlife Corridors and Crossings* Project is one of approximately 110 conservation projects identified in Together Bay Area's 30x30 summary to exemplify how we in the San Francisco Bay Area can bring to reality saving 30% of California's lands and waters by 2030. The project description can be reviewed at <https://togetherbayarea.org/30x30projects>. (Together Bay Area is the regional open space coalition, formerly known as the Bay Area Open Space Council.)

It is therefore relevant to consider the Scott Ranch/Kelly Creek property as American Badger habitat as well as a component of a heavily traversed wildlife corridor. The Scott Ranch/Kelly Creek property, appropriately managed for human activity only in the currently impacted area of the Red Barn, with carefully managed individual and small group, ecosystem restoration efforts in habitat, could also very well serve as a new adult female badger/natal territory. Sensitivity to timing and type of enhancement or restorative efforts would be critically important. *The High Use-Low Impact* (HULI) project design of the Paula Lane Nature Preserve, PLAN's project for the Paula Lane open space land, reflects that balance of no

encroachment into sensitive habitat while offering public access and enjoyment in appropriate areas and opportunities for ecosystem enhancement and restoration, along with education. This design is included in the City of Petaluma's Climate Action Framework. The proposed park extension design with the proposed 28-home development represents high use and high impact.

In terms of identifying impacts and mitigating for those impacts to what would be considered less than significant, one of many challenges for protecting habitat for American Badger relates to the species' status: CA Species of Concern. In this designation, the **species** is required to be protected, but **habitat needed for survival is not** – that requirement accompanies the Threatened and Endangered Species statuses. Mitigation measures approved by a regulatory agency related to badgers, thus, will include pre-construction surveys to identify if a badger is on site or in the area and marking or identifying a sleeping burrow, and then proceeding to destroy the habitat and set forth encroachment that assuredly may and likely will result in complete displacement of the species from the area.

The three primary causes of loss of badgers are habitat destruction, habitat fragmentation and vehicle strikes.

As Planning Commissioners, when you review an Environmental Impact Report and discern impacts have been identified and then measures to mitigate to less than significant included, many of these measures are standard with no relevance whatsoever to actual species protection and are, frankly, meaningless. In this context, viewing each area of environmental impacts as well as cumulative impacts and using best judgment for actual impacts and reality are necessary. We request that you as Commissioners strive to experience clarity with a level of confidence when you review an identified impact, then the mitigation measure, and make a determination what findings can even be made or are adequate.

Please keep in mind that proposed impacts with identified mitigation measures are likely to fall far short of protecting the exceptional biological resources of the Scott Ranch/Kelly Creek land and its natural features.

I had the opportunity to participate in a tour of the Scott Ranch property, hosted by the Extend Helen Putnam Park group. The owner/developer was present and made comments during the tour. Before you for review of the FEIR is both an impactful 28-home development with roads and multiple other impacts, along with an impactful park extension design that would result in complete loss of the existing ecosystem with species, despite described mitigation measures. We have no doubt about this.

When we first learned of a possible park extension project to conserve several acres of the Kelly Creek property, we viewed this favorably. However, following revelation of the park extension plans, the housing construction plans, and detailed information in reports such as Dr. Shawn Smallwood's, coupled with our expert conservation experience, it became clear environmental impacts that would be created by housing construction and human encroachment as well as the park extension plan, were negative and would result in significant loss.

We appreciate the opportunity to offer additional comments for your consideration, especially for American Badger and wildlife corridors. We do not believe the Planning Commission can make findings to support recommending certification of the FEIR. We express the position, clearly, that environmental impacts of the proposed housing project and the park extension project are too significant and cannot be mitigated to a less than significant status.

Although the Planning Commission in your August 9th meeting focuses your review on the FEIR and your findings of whether or not to recommend certification, leadership in Petaluma is needed in order to engage in support for best land use decisions. In this situation, the developer/owner could become a willing seller for a conservation sale for appraised fair market value.

While the developer/owner may not currently be inclined to engage as a willing seller, in time this may be viewed as an opportunity. To this end, a new land trust in our area, **Conservation Trust of the North Bay**, may be interested in engaging to support fundraising and responsibility for acquisition and conservation. PLAN's Naturalist, Susan Kirks, who also serves as a 5-time President of Madrone Audubon Society in Sonoma County, is one of the conservationists establishing this new land trust. The trust has received approval from the CA Secretary of State as a corporation and is currently engaged in submitting the appropriate application for IRS 501c3 tax exemption determination.

Conservation Trust of the North Bay's purpose includes:

"... the Corporation shall preserve land, using public and private funds, to support habitat protection, species preservation, ecosystem restoration, wildlife corridor and crossing preservation, Indigenous history and land-back opportunities, opportunities for lease and purchase of land for members of under-resourced and underserved communities, plant-based sustainable and organic agriculture, combined ecosystem enhancement/restoration and plant-based agricultural land use, climate action for adaptation, sequestration and resilience, and animal and wildlife sanctuaries..." (Articles of Incorporation, Conservation Land Trust, July 2022).

The Scott Ranch/Kelly Creek property, along with the Paula Lane open space land, reflect the very essence of the new land trust's mission. This land trust will provide a way to ensure habitat protection as well as important wildlife corridor preservation.

Reviewing a final Environmental Impact Report such as that for Scott Ranch/Kelly Creek is very challenging. Regulatory review and approval of mitigations measures for identified impacts, which may or may not be adequately assessed impacts, in our experience, consistently fail to provide needed protections, without exception. And no amount of letters of support or examples of California Red-Legged Frog research from influential organizations or individuals, with a claim this is it, it's this or the land is not saved, should influence findings of fact related to a complete review of the Final Environmental Impact Report.

Sincerely,

Susan Kirks

Susan Kirks, Naturalist
Chair, Board of Directors, Paula Lane Action Network

Enclosure: PLAN Feb. 9, 2021 comment