



Madrone Audubon Society

INCORPORATED

September 10, 2023

Transmitted via email September 11, 2023 (a.m.)

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

Re: Sept. 11, 2023 **Agenda Item 14** – (First Reading) Ordinance Granting Temporary and Permanent Easements and Adoption of a Resolution Granting a License for Replacement of PG&E Gas Main Facilities on the City's Shollenberger Park Property

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Discussion of Review of Mitigated Negative Declaration and Mitigations for PG&E Company Gas Line 012G Replacement Project (L-021G/R-708) Across the Petaluma River – State Clearinghouse No. 2023060440

Dear Mayor and Members of the City Council:

On behalf of Madrone Audubon, a nonprofit conservation organization with a long history of engagement in Petaluma, including the Petaluma Wetlands and Shollenberger Park, we provide comments and pose questions regarding this project.

Note: We requested from the City's Public Works Department Appendices of the MND, which were not published with the link to this document but integral to the document, and we requested the CA Dept. of Fish and Wildlife comment letter, also not included with the City's agenda information. We may provide a supplement to these comments following review of those additional documents.

We note the PG&E Offer Letter and apparent completion of documentation occurred in the 3rd week of June 2023. This agenda item is scheduled for your review and approval, First Reading, Sept. 11, with a proposed project start date of

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October 2023. In our opinion, this should have been agendized no later than early August. We wonder why two months passed before this project was scheduled for review and approval.

We first learned of this proposed project via review of the City Council meeting agenda, with this item added Thursday, September 7, 2023. Was this project proposal reviewed by the Music, Parks and Recreation Commission, with recommendations from that Commission, or the Climate Action Commission, with recommendations from that Commission?

The original work schedule for Phase 1 of the project was proposed to be **during active nesting season**. We note this has been changed with a schedule of:

Phase 1 October through December 2023.

Then, Phase 2 suggested as beginning in August 2024 to December, but concurrent with federal and state regulations protecting nesting birds, Phase 2, if needed, should begin in mid September and then move forward. Please assure, if you approve this project, that change is made in the work schedule to commence Phase 2 in mid September, not August, to conclude in December.

In addition, MND Biological Resources section, *MM-BIO-5, #d, Other Nesting Bird Surveys*, describes pre-construction nesting surveys to determine nesting within 350 feet of the project site. Please obtain clarification that this is an added mitigation measure for safety, as nesting season for the protected Black Rail, Ridgway's Rail, and other birds known to select the Petaluma Wetlands for nesting generally occurs **between February and early September**. This mitigation measure is confusing, given the stated work schedule will be outside nesting season.

Black Rail is a beautiful bird, very difficult to see, and sometimes able to be located by its vocalization. Black Rails nest at Alman Marsh and can be found at Ellis Creek and in Shollenberger Park.* The same applies to Ridgway's Rail.* These are threatened species, mandating habitat and species protections.

National Audubon appropriately describes the Black Rail:

A tiny marsh bird, no bigger than a sparrow. Extremely secretive, it walks or runs through the marsh, and is rarely seen in flight. In very dense cover, it may get around by using the runways made by mice. The distinctive short song of the Black Rail is given mostly late at night, so the bird may go unnoticed in some areas.

*Sonoma County Breeding Bird Atlas, Madrone Audubon

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Several years ago, when Parks & Recreation Commission members with City Council Liaison and Parks Department staff were visiting various parks for a summer tour, Alman Marsh was one of the visited locations. Walking on the trail, a Black Rail chick was seen, lying in the middle of the trail, clearly in need of assistance. A photo was taken by one of the visitors and posted to Facebook, and the tour visitors then just walked by the chick and left it there. The post to Facebook indicated the person who took the photo thought it was a hawk chick. When I saw this Facebook post, I knew this was a Black Rail chick and began making calls. We are fortunate in Petaluma to have other visitors to our public spaces like the couple whom I learned was visiting Alman Marsh that afternoon, made the discovery and transported the chick to WildCare in San Rafael. It was later released back to its habitat after appropriate care.

Ridgway's Rail, a close relative to the East coast Clapper Rail, is also a small beautiful bird. National Audubon shares the *Ridgway's Rail habitat includes salt marshes along the coast, as well as brackish and freshwater marshes inland.*

We note the **biological resources survey** for this proposed project was apparently completed three years prior in **2021**, and we were unable to locate an update. With the climate crisis and changing life patterns of many species, ensuring we have access to current data is relevant for protection of threatened and endangered species, and all species.

Nesting season for Black Rail, Ridgway's Rail and most avian species will occur between February and the end of August; thus, this project's schedule should occur outside that time period.

The endangered Salt Marsh Harvest Mouse is a resident of Alman Marsh, Shollenberger Park and the Ellis Creek property. The Salt Marsh Harvest Mouse resides primarily in Pickleweed and is able to drink and sustain on salt water. The Salt Marsh Harvest Mouse breeds March to October or November, which indicates young may be born during the project time period. Females may produce 2-3 litters per year. The Salt Marsh Harvest Mouse is very tiny.

In reviewing identified potential impacts, the Mitigated Negative Declaration includes:

Section 3.4.3.5 Impacts to Mammals

“Potential impacts due to Project construction and pipeline removal on the riverbanks could result in significant impacts, including death, injury, or habitat

loss to the salt marsh harvest mouse, which is assumed to be present in pickleweed habitat near the Project area.”

Identification, monitoring and mitigation measures for this species must be stringent and effective. Please communicate this to your Public Works Department staff and, in turn, to PG&E for the Project work.

Weekly biological monitoring reports should also be provided to both the Music, Parks and Recreation and Climate Action Commissions for review at monthly meetings.

We recommend this become a standard practice for any construction or development project in the City of Petaluma – biological monitoring reports provided to relevant Commissions for review. For residential and commercial development projects, the Planning Commission and Climate Action Commission would receive biological monitoring reports. In this way, Commissioners and members of the public will become aware of assured protections of biological resources, and entities such as PG&E and developers will be aware of the interest in and communication of required levels of protection.

Mitigation measures originally proposed by PG&E for the current project were inadequate. Mitigation measures now required by the CA Department of Fish and Wildlife are improved, but could still be inadequate. Environmental training and monitoring are two mitigation measures, customary in all development projects, where an assumption is made that employees trained in biological resource impacts and mitigation measures will always comply and follow through.

For this particular project, an exclusion fence is a mitigation measure related to Salt Marsh Harvest Mouse, with the concept of excluding the species from the project area. The increased mitigation measure related to fencing required by the CA Department of Fish and Wildlife appears more effective than what PG&E had proposed. **However, we found no action of removing the fence after Phase 1 and then reinstalling the fence if Phase 2 is required the following Fall 2024, and we request the City request this as an added mitigation measure – remove the fence, then reinstall it a year later, to complete the project. The exclusion fence should not remain in place for a full year of no project activity.**

Our last areas of comment relate to **Petaluma visitors** to Shollenberger Park and how they will be impacted.

We were unable to discern exactly when Shollenberger Park will be closed and whether the entire park will be closed. If so, October through December, three

months, is a lengthy period of time for members of the public to be unable to access this popular passive recreation site. Even one month would appear to result in significant impacts to visitors' lives, especially those who visit the park on a daily basis. It appears there is a suggestion to re-route visitors over to Alman Marsh or to Ellis Creek, with additional suggestions of going out to Tolay Lake Regional Park or over to Helen Putnam Regional Park.

This approach seems to minimize understanding that many visitors to Shollenberger Park would be challenged to make trips out to Tolay Lake Regional Park or over to Helen Putnam Regional Park with their work, family and/or life schedules. The thought of just re-routing Shollenberger visitors over to Alman Marsh or Ellis Creek is unreasonable and could result in negative impacts to habitat and species with an influx of regular additional human visitors to those two locations, adding to visitors who already select Alman Marsh or Ellis Creek.

Even though the MND Environmental Justice section portrays Petaluma as a community that is not disadvantaged, Shollenberger Park is a site chosen by residents of all income levels and many rely upon this park for primary passive recreation. How will individuals and families of low to moderate income levels who regularly visit Shollenberger Park be able to just go out to Tolay Lake Regional Park or to Helen Putnam Regional Park? Both parks also require paid passes for access.

Reviewing possible mitigation measures or compensatory measures for the closure of Shollenberger Park, again with our understanding of when and how long this will be unclear, we reviewed the following within the MND as possible compensatory measures:

Financial contribution toward repair or maintenance of the trails at Alman Marsh and/or Ellis Creek Water Recycling Facility.

Increased restroom servicing schedules.

Increased solid waste and recycling service.

Increased provision of pet waste bags and waste receptacles.

Signage to manage increased parking pressure and notify the public of alternate park locations as well as put-in and take-out locations for river recreation and boating.

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While such compensatory measures could provide support, we recommend broader consideration for Petaluma residents and visitors to Shollenberger Park and in

recognition of exceptional species who make Shollenberger Park and the Petaluma Wetlands their home.

In addition to the offer by PG&E of payment for the temporary and permanent easements, the City of Petaluma could add compensation for two programs to the above-listed, fairly minor compensatory measures. Monetary amounts would need verification and budgeting.

\$60,000 in 2023 and \$60,000 in 2024 = \$120,000 contribution

Mid-October until end of November

Electric Shuttle Program – One weekday, Saturday & Sunday shuttles from a specified location, reservations required, for individuals/families wishing to visit Tolay Lake Regional Park or Helen Putnam Regional Park. A paid Park Pass program for low to moderate income families/individuals should be part of this program. Possibly two morning times to a location, with return 2-3 hours later, and two afternoon times, with returns. The reservation feature could help determine best days and times.

The Electric Shuttle van service could be comprised of rental vehicles and provide contracted employment for drivers. Dogs would be allowed in vehicles as reserved. Once retired, if the vans were purchased, the City of Petaluma could utilize these as micro-transit service vehicles to provide free shuttle service for residents to a variety of locations on a scheduled basis throughout Petaluma. This connection could motivate the City Council to allocate overage of Measure U revenue funds to complete funding for the Shollenberger Park program and the basis for a subsequent micro-transit service program, a positive long-term contribution to climate action.

We recommend considering a program such as this because many visitors to Shollenberger Park might be interested in the suggestion to just go somewhere else, but may not have the means to do so.

\$8,000 as a contribution for educational materials and activities to highlight species relying on Shollenberger Park, Alman Marsh and Ellis Creek for habitat and survival.

Histories and lives of Black Rail, Ridgway's Rail, Salt Marsh Harvest Mouse, Western Pond Turtle and others are fascinating and can inspire wonder and high

regard for our environment. This contribution could be directed to Petaluma Wetlands Alliance for inclusion in the education program. Madrone Audubon would be pleased to collaborate in and support this endeavor if helpful.

Other cities would proactively engage in such requests of PG&E. There will clearly be a disruption to the ability to visit and enjoy Shollenberger Park for humans and there are *significant concerns* regarding the safety and protection of species who rely on Shollenberger Park and environs for survival.

Sincerely,

Susan Kirks

Susan Kirks, President
Madrone Audubon Society