

**River Walk Specific Plan and Draft EIR - DEIR Comments -
Resident Letters received.**

	Name of Commentor	Date Submitted
1	Yvonne Brouard	3-Feb-24
2	Richard & Deborah Gunther	8-Feb-24
3	Mike and Roberta Mc Reynolds	8-Feb-24
4	Susan Jimenez	19-Feb-24
5	Libby Longstreth	21-Feb-24
6	Donald B. Mooney, Attorney for Central Valley Concerned Citizens	26-Feb-24
7	Votersforfarmland	28-Feb-24
8	Donald B. Mooney, Attorney for Central Valley Concerned Citizens	26-Feb-24
9	Votersforfarmland	28-Feb-24
10	Victoria R	29-Feb-24
11	Donald B. Mooney, Attorney for Central Valley Concerned Citizens	4-Mar-24
12	Richard and Christine Holmer	6-Mar-24
13	Colleen Preston	6-Mar-24
14	Soluri Meserve on behalf of Annabel Gammon and Allen Gammon	7-Mar-24
15	Joseph Adrian	11-Mar-24
16	Deborah Basey, M.S. Biological Conservation	14-Mar-24
17	Krystal Rodriguez	15-Mar-24
18	Marilyn McRitchie, Tom Hollander, Shaaron Hollander, John Degele	18-Mar-24
19	Jude Lamare, Friends of the Swainson's hawk	20-Mar-24
20	Donald B. Mooney, Attorney for Central Valley Concerned Citizens	20-Mar-24
21	Charles Carley (Laurie Carley), League of Woman Voters	21-Mar-24
22	Diana Hernandez	27-Mar-24
23	Leefong Mouavangsou	2-Apr-24
24	Kerry H Tsai	4-Apr-24
25	Bryan Paradee	6-Apr-24
26	Leefong Mouavangsou	8-Apr-24
27	Judith Lamare, Friends of the Swainson's Hawk	16-Apr-24
28	Christa Casci	22-Apr-24
29	Nana Redell	25-Apr-24
30	Jean Davis	25-Apr-24
31	Bob Leonard	30-Apr-24
32	Dianna Hernandez	30-Apr-24
33	Jean Davis	4-May-24
34	Donald B. Mooney, Attorney for Central Valley Concerned Citizens	4-May-24
35	Janet and Joe Neal	6-May-24
36	Robert Mallory	8-May-24
37	Milton Trieweiler, Yokuts Group of the Sierra Club	9-May-24
38	Karen and Kent Mitchell	13-May-24
39	Lori Wolf of wood Colony	13-May-24
40	John Herrick	13-May-24
41	Diana Hernandez-Adrian	13-May-24

42	Michael and Kyle Lingg	13-May-24
43	Martin Adrian	14-May-24
44	Richard and Christine Holmer	14-May-34
45	Karen Conrotto	14-May-24
46	Donald B. Mooney, Attorney for Central Valley Concerned Citizens	15-May-24
47	Betsy Walton	15-May-24
48	Susan Worden	15-May-24
49	James Inman	15-May-24
50	Ector Olivares, Catholic Charities	15-May-24
51	Susan Wedegaertner	16-May-24
52	Margaret L. W. Cousins	16-May-24
53	Robert DeMont - flood	16-May-24
54	Robert DeMont - farmland	16-May-24
55	Robert DeMont -climate	16-May-24
56	Robert DeMont - biology	16-May-24
57	Robert DeMont - traffic	16-May-24
58	Donald B. Mooney, Attorney for Central Valley Concerned Citizens	16-May-24
59	Vivian Lopez	16-May-24
60	Garry Pearson	16-May-24
61	Soluri Meserve on behalf of Annabel and Allen Gammon	16-May-24
62	John Herrick	16-May-24
63	Brian and Mary Lomax	16-May-24
64	Robert DeMont - groundwater	16-May-24
65	Kevin Wolf	16-May-24
66	Chad Wright	16-May-24
67	Jeani Ferrari, Farmland Working Group	16-May-24
68	Gary Pearson	16-May-24
69	Bernard Aggers	16-May-24
70	Jami aggers - 134 bulleted comments	16-May-24
71	Jami Aggers - petition	16-May-24
72	Jami aggers - MSR	16-May-24
73	Jami Aggers - Specific Plan	16-May-24
74	Jami Aggers - safe Passage	16-May-24
75	Jami Aggers - Wendt ranch Reclamation District	16-May-24
76	Jami Aggers - groundwater	16-May-24
77	Evelyn Halbert	16-May-24
78	Karen Conrotto	16-May-24

Miguel Galvez

From: Mae Ryan Empleo <Legal@semlawyers.com>
Sent: Thursday, May 16, 2024 4:22 PM
To: River Walk
Cc: Osha Meserve
Subject: Comments on River Walk Specific Plan and Draft Environmental Impact Report
Attachments: 24.05.15 DEIR Cmts.pdf

Dear Mr. Galvez:

The attached letter is submitted on behalf of Riverbank residents Annabel Gammon and Dr. J. Allen Gammon regarding comments on the River Walk Specific Plan and Draft Environmental Impact Report. Should you have questions please do not hesitate to contact our office. Thank you for your attention to this matter.

Sincerely,

Mae Ryan Empleo
Legal Assistant
Soluri Meserve, A Law Corporation
510 8th Street, Sacramento, CA 95814

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This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient.



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May 16, 2024

SENT VIA EMAIL
(riverwalk@riverbank.org)

Miguel Galvez, Contract City Planner
City of Riverbank
6707 3rd Street, Suite A
Riverbank, California 95367

**Re: Comments on River Walk Specific Plan and
Draft Environmental Impact Report**

Dear Mr. Galvez:

These comments, submitted on behalf of Riverbank residents Annabel Gammon and Dr. J. Allen Gammon, pertain to the Draft Environmental Impact Report (“DEIR”) and the River Walk Specific Plan (“RWSP” or “Project”) prepared by the City of Riverbank (“City”).¹ The Project includes the expansion of the City of Riverbank’s Sphere of Influence (“SOI”), among other approvals. Under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq. [“CEQA”]), the term “project” refers to the “whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment.” (Cal. Code Regs., tit. 14, § 15000 et seq. [“CEQA Guidelines”], § 15378, subd. (a).) The Project objectives include expansion of the Riverbank SOI by approximately 1,522 acres, annexation of approximately 993 acres into the Riverbank City limits, extension of infrastructure to the annexed area to serve development, and the subsequent development of the annexed area for low-, medium- and high-density residential, mixed-use, and parks, including all infrastructure and utilities necessary to service the development. The Project area is located outside the northwestern boundary of the City SOI, within the unincorporated area of Stanislaus County.

The Project would involve large-scale changes to the environment and to the pattern of growth in the region. These comments focus on the failure of the DEIR’s to adequately analyze and disclose the Project’s impacts to biological resources, water

¹ These comments pertain to both the RWSP, which is the Project, as well as to the DEIR. The Final EIR should list these comments as being from Annabel Gammon and Dr. J. Allen Gammon; the DEIR mistakenly lists their DEIR Notice of Preparation (“NOP”) comments as being submitted on behalf of Soluri Meserve, which is incorrect.

supply and water quality, as well as significant land use changes. Our review of the DEIR and RWSP was informed by the review of the DEIR and site visits by Dr. Shawn Smallwood, an expert in ecology and wildlife biology, whose comments and qualifications are included as Attachment 1.²

The DEIR fails to adequately analyze the environmental impacts associated with changes that would occur as a result of the Project, and for the reasons described herein, as well as other public comments, the DEIR cannot lawfully be certified and the RWSP should not be approved.

I. THE PROJECT DESCRIPTION IS INADEQUATE

The overriding and primary goal of CEQA is the protection of the environment. (Pub. Resources Code, §§ 21000–21189.3; see §§ 21000–21002.) The purpose of an EIR is to provide the public with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project. (Pub. Resources Code, §§ 21061, 21002.1, subd. (a).) An EIR should inform the public and its responsible officials of the environmental consequences of decisions before they are made and should provide “the basis on which its responsible officials either approve or reject environmentally significant action,” so that the public, “being duly informed, can respond accordingly to action with which it disagrees.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123 [*Laurel Heights II*]; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392 [*Laurel Heights I*].)

This means that an EIR must include analysis of “all phases of a project” and all “reasonably foreseeable consequences” of a project. (CEQA Guidelines, § 15126 [EIR’s impact analysis must consider all phases of a project]; *Laurel Heights I, supra*, 47 Cal.3d at 396 [EIR must analyze “reasonably foreseeable consequence” of a project].) An EIR must also consider the cumulative impacts of past, present and probable future projects. (Pub. Resources Code, § 21083, subd. (b); *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1024–1025.)

The Project Description provided in the DEIR fails to provide consistent information necessary to understand the full extent of the Project, or its impacts on the environment. The DEIR claims to be a hybrid programmatic and project-level EIR,

² Letter from Dr. Shawn Smallwood to Miguel Galvez, re: River Walk Specific Plan DEIR, dated April 17, 2024 (“Smallwood Report”). It is requested that the Smallwood Report be responded to separately in the Final EIR.

described as both a “Program EIR pursuant to CEQA Guidelines Section 15168, but in some areas of the document it also serves as a Project-level EIR.” (DEIR, p. 1.0-1.) This leads to a confusing depiction of Project scope, making it nearly impossible for the public and decisionmakers to fully understand the Project’s impacts.

For example, some statements in the DEIR indicate that “[t]he proposed project includes the expansion of the City of Riverbank Sphere of Influence, and approval and subsequent implementation of the Specific Plan as a means of increasing the housing supply in Stanislaus County.” (DEIR, p. ES-2.) These explanations fail to provide the requisite clarity needed for the public and decisionmakers to evaluate the Project’s scope. Examples of inconsistencies in the DEIR’s description of the Project include:

- Inconsistent statements defining the whole of the Project as the approval of the RWSP, while at other times appearing to define the Project as the combination of the adoption of the RWSP and the expansion of the SOI. This renders an assessment of the adequacy of sufficient water supplies impossible, because it is unclear whether these water supplies apply to meet the demands of only the RWSP or to the entire expansion of the SOI, including reasonably foreseeable future development that is not specifically contemplated in DEIR’s impacts analyses.
- Contradictory statements asserting that:
 - “A component of the proposed Project that includes a Specific Plan includes a very high level of design detail for that portion of the proposed Project.” (DEIR, p. 1.0-2.)

And alternately:

- “The proposed Project (Project), also referred to as the River Walk Specific Plan (RWSP), is an approximately 993-acre development of residential, open space, park, and commercial land uses to the west of the City’s current City limits.” (RWSP Water Supply Assessment (“WSA”), p. 2.)

And:

- “The entire Project Vicinity includes approximately 1,522 acres within the unincorporated county adjacent to the City of Riverbank. The Specific Plan Project area (i.e., the RWSP or Project) includes a 993-acre area proposed to be annexed and subsequently developed. The remaining land within the Project

Vicinity is part of the SOI Amendment and would be held as Reserve land for possible long-range planning at some future time.” (WSA, p. 4.)

And:

- Discussions of the Project Area as “the proposed Project includes approximately 1,522 acres encompassing: (1) the Specific Plan Area that includes a total of 997 acres, including the Berghill Boundary, and (2) the SOI Expansion Boundary, which makes up the entire Project Area.” (DEIR, p. 2.0-1.).

And:

- “The Environmental Impact Report is intended to be a project-level analysis of the Specific Plan area.” (NOP, p. 11.)

And:

- “The proposed Project would result in an expansion of an SOI boundary to areas not previously planned for development, as well as an extension of services for urban development in an area (the Specific Plan Area) that the City has envisioned for growth in their adopted General Plan. The areas outside the Specific Plan Area, but within the SOI boundary, would not be developed under the proposed Project, and would not have services provided to this area. Any future development of the areas outside the Specific Plan Area, but within the SOI boundary, would require a Specific Plan to be prepared.” (DEIR, p. 3.10-17.)

These inconsistencies render the DEIR insufficient as an informational document meant to “enable those who did not participate in its preparation to understand and ‘meaningfully’ consider the issues raised by the proposed project.” (*Santa Clarita Org. for Planning v. County of L.A.* (2003) 106 Cal.App.4th 715, 721 [*Santa Clarita*].) An “EIR is intended to serve as an informative document to make government action transparent. Transparency is impossible without a clear and complete explanation of the circumstances surrounding the reliability of the water supply.” (*Ibid.*, citing *California Oak Foundation v. City of Santa Clarita* (2005) 133 Cal.App.4th 1219, 1238 [*California Oak Foundation*].) The standard requiring an informative discussion of project impacts “is not met in the absence of a forthright discussion of a significant factor that could affect water supplies.” (*California Oak Foundation, supra*, 133 Cal.App.4th at 1237.)

Under CEQA, a project description must include all relevant parts of a project, including future expansion or later phases of the project that will foreseeably result from project approval. (*Laurel Heights I, supra*, 47 Cal.3d at 396; see also CEQA Guidelines, § 15126 [EIR’s impact analysis must consider all phases of project].) The DEIR impermissibly omits analysis of development of the “Reserve” area from its discussions of impacts, claiming that it is not planned for development at this time. However, it is clear by the history of the City’s accelerated growth (the City last applied for an expansion of its SOI in 2016, and last annexed territory into its boundaries in 2019) that it plans to develop the land included in the SOI expansion proposed as part of the Project. The DEIR must analyze the impacts of development of land within the Project area.

II. THE DEIR FAILS TO FULLY ANALYZE AND DISCLOSE THE BIOLOGICAL IMPACTS OF THE PROJECT (DEIR CHAPTER 3.4)

It is the policy of the state, in accordance with CEQA, to “[p]revent the elimination of fish or wildlife species due to man’s activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities” (Pub. Resources Code, § 21001, subd. (c).)

The CEQA Guidelines include a definition of “endangered, rare, or threatened species” that provides that a species is presumed to be endangered, rare, or threatened when it is listed under California endangered species regulations (Cal. Code Regs., tit. 14, §§ 670.2, 670.5) or under the federal endangered species regulations (50 C.F.R. §§ 17.11–17.12; CEQA Guidelines, § 15380.) A species that is not listed must be considered endangered, rare, or threatened if the species meets specified criteria. (CEQA Guidelines, § 15380, subd. (d).) A species is considered endangered if its survival and reproduction in the wild are in immediate jeopardy as a result of loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors. (CEQA Guidelines, § 15380, subd. (b)(1).) A species that is not threatened with extinction is considered rare if it is existing in such small numbers in all or a significant portion of its range that it may become endangered if its environment worsens. (CEQA Guidelines, § 15380, subd. (b)(2)(A).) A species is also considered rare if it is likely to become endangered within the foreseeable future in all or a significant portion of its range and may be considered threatened within the meaning of the federal Endangered Species Act of 1973 (“ESA”) (16 U.S.C. §§ 1531–1544). (CEQA Guidelines, § 15380, subd. (b)(2)(B).)

Dr. Smallwood surveyed the Project site for a total of 7.75 hours over two visits in February and April 2024. He observed 53 species in February and 64 species in April, for a total of 75 different species of vertebrate wildlife, including 13 special-status species. (Smallwood Report, p. 7; Table 1, pp. 8-10.) Dr. Smallwood concluded that the Project

site supports a rich diversity of wildlife species far in excess of other project sites he has surveyed in the Sacramento-San Joaquin Valley region. The nature of the reconnaissance surveys he conducted, furthermore, though useful for “realistically representing the species richness of the site at the time of a survey, it cannot represent the species richness throughout the year or across multiple years because many species are seasonal or even multi-annual in their movement patterns and in their occupancy of habitat.” (*Id.* at 31.) The site, therefore, likely supports a much broader diversity of species than he could even detect during his reconnaissance surveys.

To put his observations at the Project site in context, Dr. Smallwood compared a robust data set from an earlier, much larger survey, during which he performed 721 hours of surveys at 46 stations at the Altamont Pass Wind Resource Area from 2015 to 2019. Using the numbers he observed at the Project site in a model developed for his time spent at Altamont Pass, he concluded that the species he observed during his surveys at Altamont Pass represented just 38.2 percent of the species he encountered during a comparable time period at the Project site. (Smallwood Report, p. 31.) On average, Dr. Smallwood detected just 21.8 species over the first 7.75 hours of surveys at Altamont Pass (similar to the time he spent at the Project site), compared to the 75 species he saw at the Specific Plan Area. (*Ibid.*) Calculating this small sample of time to a larger survey window, Dr. Smallwood predicted that he would likely have detected 196 species of vertebrate wildlife at the site given the chance to conduct repeat surveys throughout the year. (*Ibid.*) Using the same method of calculation and a ratio of special-status to non-special-status species, Dr. Smallwood predicted he would have eventually detected 34 special-status species of vertebrate wildlife at the Project site. (*Ibid.*)

To check the accuracy of these predictions, Dr. Smallwood performed a similar analytical bridge comparing the Specific Plan Area to a site along the American River in Rancho Cordova, which he had visited 41 times, and which featured a natural environment similar to that of the Project site, such as a walnut orchard adjacent to a riparian woodland. The model returned the same prediction: 196 species observed during surveys conducted over a year or more, including 34 special-status species. (*Id.* at 32.) This type of reconnaissance survey, however, has its limitations. These surveys, derived from a visual daytime scan, would not detect nocturnal birds and mammals such as owls and bats. The site, Dr. Smallwood noted, supports many species of wildlife, including many more than he could detect during his reconnaissance surveys. And this method of modeling and surveying, though useful for realistically representing the species richness of the site at the time of a survey. (*Id.* at 31.) Because Dr. Smallwood surveyed only in winter/spring, he was unlikely to see some of the species that would use the site in summer or fall. As Dr. Smallwood explained:

The true number of species composing the wildlife community of the site must be larger. One or two reconnaissance surveys should serve only as a starting point toward characterization of a site's wildlife community, but this level of effort certainly cannot alone inform of the inventory of species that use the site.

(Smallwood Report, p. 32.) Therefore, the Smallwood Report likely undercounts the number of species in the Project area.

A. The DEIR's Assessment of the Existing Environmental Setting Is Inaccurate and Unsupported by Substantial Evidence

"An EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant," providing "the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts," and allowing "for the significant effects of the project to be considered in the full environmental context." (CEQA Guidelines, § 15125, subs. (a), (c).) "Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project." (CEQA Guidelines, § 15125, subd. (c).)

This statutory mandate to fully investigate and present an accurate representation of existing conditions in the vicinity of a proposed project is the first and necessary step to fulfilling CEQA's "fundamental goal of [] inform[ing] decision makers and the public of any significant adverse effects a project is likely to have on the physical environment." (Pub. Resources Code, § 21061; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 428 [*Vineyard*].) "To make such an assessment, an EIR must delineate environmental conditions prevailing absent the project, defining a baseline against which predicted effects can be described and quantified." (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 447; *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 315.)

Provided an agency's assessment and discussion of existing conditions are sufficiently robust and based on accurate information, the analyses of project impacts that follow will inevitably elicit more reliable conclusions. Conversely, in the event an EIR's assessment of existing conditions in the project vicinity is incomplete, inadequate, or based on flawed reporting methods or misapplied factual data, the subsequent analyses will be unavoidably distorted, rendering any impacts determinations legally inadequate and "preclud[ing] a determination that substantial evidence supports [the agency's

conclusions.]” (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 729 [*San Joaquin Raptor*].) Indeed, this frustrates the very purpose of CEQA. Ample case law states that “[w]hen an EIR contains an inadequate description of the environmental setting for a project, ‘a proper analysis of project impacts [is] impossible.’” (*Save North Petaluma River and Wetlands v. City of Petaluma* (2022) 86 Cal.App.5th 207, 217; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1122 [invalidating EIR containing only passing references to surrounding viticulture].)

To satisfy this crucial first step and lay the groundwork for an adequate impacts analysis of the Project, the DEIR must “accurately characterize the existing environmental setting, including the biological species that use the site, their relative abundances, how they use the site, key ecological relationships, and known and ongoing threats to those species with special status.” (Smallwood Report, p. 32.) Provided a reasonably accurate characterization of the environmental setting, the agency—and later, the public and decision makers evaluating the Project—will have a solid foundation “for determining whether the site holds habitat value to wildlife, as well as a baseline against which to analyze potential project impacts.” (*Ibid.*) Dr. Smallwood noted that scientifically accepted methods of assessing the environmental setting include “(1) surveys of the site for biological resources, and (2) reviews of literature, databases and local experts for documented occurrences of special-status species.” (*Id.* at 33.) The DEIR, as discussed below, fails to complete these necessary steps. Instead, readers are presented with an inadequate and misleading picture of the existing environmental setting, and thus an unsupported impacts analysis based on a flawed foundation.

1. *The DEIR fails to disclose details necessary to meaningfully evaluate its analysis of the existing environmental setting, leaving readers to rely on conclusory statements and questionable data*

The DEIR summarized the four reconnaissance surveys that were reportedly conducted by Steve McMurtry in 2019 and 2020, including the numerous and ambitious objectives and the questionable claims that (1) the surveys were “timed to detect breeding birds and amphibians, and active reptiles;” (2) a record was kept of all signs of wildlife including tracks; and (3) “CDFW’s (2018) plant survey guidelines were followed.”³

³ Dr. Smallwood’s Report notes: “According to the DEIR (page 3.4-1), Steve McMurtry completed at least four reconnaissance-level surveys in December 2019 and in March, May and June 2020. In a reply communication to Osha Meserve, the City of Riverbank (Miguel Galvez email of 7 March 2024) reports that no technical report of the McMurtry’s surveys has been prepared. Were the DEIR to include all of the technical data and reporting needed to achieve the public disclosure objective of CEQA, then the

(Smallwood Report, p. 33.) To achieve all of the listed objectives, Dr. Smallwood asserted that “many hours of surveys over many days on the very large River Walk Specific Plan area, as well as the extended Sphere of Influence” would have been necessary. (*Ibid.*) The DEIR, however, “fails to report the dates McMurtry surveyed, at what times of day he began his surveys, and how long his surveys lasted. The reader of the DEIR is provided no information to ascertain whether or to what degree McMurtry could have achieved the stated objectives.” (*Ibid.*)

The DEIR does not report whether McMurtry surveyed reference sites for special-status species of plants, which is a key CDFW (2018) standard. Nor does the DEIR report key details needed to interpret the survey results, such as the survey start times and the survey durations. No explanation is reported of how McMurtry inspected or evaluated the site to document the site’s potential to support special-status species. Did the biologist carry a checklist of resources needed by each special-status species? The DEIR fails to summarize McMurtry’s qualifications for conducting the surveys for special- status species of plants and animals. In short, the DEIR neglects to report the most essential methodological details the reader needs to know in order to accurately interpret McMurtry’s survey findings.

(Smallwood Report, p. 33.)

The Smallwood Report explains in detail the information missing from the DEIR, including any record or discussion of the detection probabilities associated with any of the special-status species that are typical of reconnaissance surveys. The DEIR only reports some of the species “commonly seen,” but fails to include a list of species that were detected. (*Id.* at 34.) No protocol-level detection surveys were completed for special-status species, even though, as Dr. Smallwood reported, “there was cause to expect the presence of special-status species including, but not limited to, valley elderberry longhorn beetle, Swainson’s hawk, giant garter snake, burrowing owl, tricolored blackbird, western and Crotch’s bumble bees, monarch and other special-status species.” (*Ibid.*) Yet, the DEIR claims that the “Project Area provides habitat for both common and *a few special-status wildlife populations.*” (DEIR, p. 3.4-8; emphasis added.)

lack of a technical report from McMurtry would be of no consequence. However, the DEIR fails to disclose salient information, such as methodological details needed by the reader to determine whether McMurtry achieved the minimum plant survey standards of CDFW (2018), and such as the species of wildlife detected by McMurtry.” (Smallwood Report, p. 33.)

The DEIR asserts that preconstruction take-avoidance surveys would be completed prior to construction of each village, after approval of the Project. As explained by Dr. Smallwood, “Preconstruction take-avoidance surveys do not provide anywhere close to the same detection probabilities as do detection surveys, because such surveys are initiated only if construction commences within specific times of the year (see the mitigation measures for timing details), they are constrained to narrow date-ranges, and they are not performed to the same standards of effort.” (Smallwood Report, p. 35.)

The dearth of information needed to meaningfully review the DEIR’s assessment of the existing environmental setting is troubling. No context is provided that would allow the reader to interpret conclusions regarding detections or lack of detections of wildlife and plant species in the Project area. There is no discussion of the detection probabilities associated with any of the special-status species that are typical of reconnaissance surveys. (Smallwood Report, p. 34.) The DEIR fails to comply with CEQA’s public disclosure requirement, and the resulting impacts analyses derived from its flawed and incomplete baseline assessment are necessarily unsubstantiated.

2. *The DEIR improperly uses information and misapplies data from wildlife databases, further obscuring its analysis of the Project’s environmental setting*

An important step in a sufficient and competent analysis of a site’s breadth of species diversity, Dr. Smallwood noted, is thorough and proper review of appropriate databases and literature “to inform the reconnaissance-level survey, to augment it, and to help determine which protocol-level detection surveys should be implemented.” (Smallwood Report, p. 35.) This information is necessary “to identify which species are known to have occurred at or near the project site, and to identify which other special-status species could conceivably occur at the site due to geographic range overlap and site conditions.” (*Ibid.*) Reconnaissance surveys, Dr. Smallwood explained, do not detect all of the species of wildlife that make use of the site. Performing a competent review of the appropriate databases and literature “can identify those species yet to be detected at the site but which have been documented to occur nearby or whose available habitat associations are consistent with site conditions. Some special-status species can be ruled out of further analysis, *but only if compelling evidence is available in support of such determinations.*” (*Ibid.*, emphasis added)

The City’s review of databases and literature was fundamentally flawed. The City relied on data that was not only outdated, but also misapplied and used to form baseless conclusions that distort the Project’s true impacts. (Smallwood Report, pp. 35-37.) Supplemental information (an email), which was not available in the DEIR or

appendices, indicated that the City relied on a record search of two documents in its analysis of biological resources: (1) a two-page California Natural Diversity Data Base (“CNDDDB”) database query dated January 5, 2022; and (2) the automated US Fish and Wildlife Service (“USFWS”) report: “List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project,” also dated January 5, 2022. (Smallwood Report, p. 35.) Dr. Smallwood explained:

These standard documents are designed to inform project applicants regarding potential species that may occupy the locale, and their status at the time of data request. These documents are not intended to be definitive species or habitat descriptors. Indeed, the FWS document states on page 2 that it suggests that a Biological Assessment or biological evaluation “be prepared to determine whether the project may effect listed or proposed species and/or designated or proposed critical habitat.” No Biological Assessment or biological evaluation was provided.

(*Ibid.*)

The information provided in the CNDDDB report, to start, is outdated. The report itself indicates that the data it contains expires July 1, 2022. The use of this expired—and therefore, inaccurate—information resulted in, as Dr. Smallwood pointed out, “a chain of defective analyses, starting with the misrepresentation of the legal status of 2 species of bumble bees on DEIR pages 3.4-34 and 35. The species’ status was in review in 2021 and updated by the State on September 30, 2022, long before the 2024 DEIR. The 2024 DEIR erroneously states that the bees ‘are not specifically protected under state or federal law.’ (DEIR, p. 3.4-35.) This is incorrect.” (Smallwood Report, pp. 35-36.)⁴ *Almond Alliance of California v. Fish & Game Commission* (2022) 79 Cal.App.5th 337, 341, confirmed that these species may be listed under Fish and Game Code section 45, and gives the Fish and Game Commission the authority to list invertebrates as endangered or threatened species.

Furthermore, the DEIR fundamentally misuses the CNDDDB database, applying the information it provides improperly to reach flawed conclusions that cannot be supported by substantial evidence. An initial lineup of special-status species to be considered in the DEIR’s analysis of species at the Project site was drawn from the database’s occurrence records—a use for which the CNDDDB database is explicitly inappropriate. Dr. Smallwood explained:

⁴ An updated record of listed species is found at: <https://wildlife.ca.gov/Data/CNDDDB/News/updates-to-the-legal-status-of-bumble-bees-in-california#gsc.tab=0>.

CNDDDB is not designed to support absence determinations or to screen out species from characterization of a site's wildlife community. As noted by CNDDDB, "*The CNDDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present.*"

(*Id.* at p. 36; emphasis in original.)

The CNDDDB database, which relies entirely on volunteer or permit reporting from biologists, includes only records of those surveys voluntarily reported, and only from properties to which access was granted. The database, therefore, represents only a fraction of the state's wildlife population and diversity profile: many properties have never been surveyed, while others may have been surveyed but only partially reported, and still others surveyed but never reported at all. (Smallwood Report, p. 36.) More importantly, CNDDDB's records include sighted observations of currently listed special-status species only. Species that have more recently been assigned special status will have been reported far fewer times, or not at all, to CNDDDB than those that have been listed for many years. (*Ibid.*) "The lack of CNDDDB records for species only recently assigned special status would have been due to insufficient time having elapsed since the assignments. And because negative findings are not reported to CNDDDB, CNDDDB cannot provide the basis for estimating occurrence likelihoods, either. The DEIR's analysis of special-status species occurrence likelihoods is fundamentally flawed." (*Ibid.*)

Dr. Smallwood's assessment, based on controlled, thorough, and well-documented site visits, along with properly conducted reviews of the relevant databases and literature, revealed that 101 special-status species of wildlife are known to occur near enough to the site to warrant further analysis for their potential to occur at the site. (Smallwood Report, Table 2, pp. 38-42.). Of these, 13 (13%) were confirmed on the site by his survey visits, and 27 (27%) have been documented in databases within 1.5 miles of the site ("very close"), 11 (11%) within 1.5 and 4 miles ("nearby"), and another 40 (40%) within 4 to 30 miles ("in region"). Half (51) of the special-status species in Table 2 have been reportedly seen within 4 miles of the project site. "On any given day, one or more yet-to-be documented special-status species likely make use of the project site," Dr. Smallwood concluded, and the site likely supports many special-status species of wildlife, which would require multiple surveys to sufficiently detect. (*Ibid.*; see Tables 1 and 2, Smallwood Report, pp. 30, 32.) "Reconnaissance surveys are not designed to support absence determinations of any of these species. Therefore, sufficient survey effort should

be directed to the site to either confirm that the species in Table 2 use the site or to support absence determinations.” (Smallwood Report, p. 36.)

In contrast to Dr. Smallwood’s conclusions following his on-site surveys and review of the relevant literature, the DEIR makes the unsupported claim that the “Project Area provides habitat for both common and *a few special-status wildlife populations.*” (DEIR, p. 3.4-8; emphasis added.) Of the 101 special-status species that Dr. Smallwood determined were likely to have some potential to occur at the site, the DEIR analyzed occurrence likelihoods of only 24. (Smallwood Report, p. 36.) Moreover, the conclusions reached in the DEIR, which are unsupported by substantial evidence, are often found to conflict with the data. For example, though it determined that four of the special-status species are absent, records showing at least one of these has been observed nearby. The DEIR concludes that six of the species may potentially occur, in contrast to the record which shows one is very close. Other conclusions are misleading or ambiguous, such as the determination that one species has “limited habitat,” which is not a characterization of habitat availability generally accepted by the scientific community, nor is it explained in the DEIR. (DEIR, p. 3.4-18; Smallwood Report, p. 36.) Regarding the omission of any analysis of other species observed at the site, Dr. Smallwood explained:

Of the 77 special-status species whose occurrence likelihoods are not analyzed in the DEIR, ten have been documented on the Specific Plan area, 23 have been documented within 1.5 miles, seven have been documented between 1.5 and 4 miles, and 34 have been documented between 4 and 30 miles. The DEIR neglects to analyze the occurrence likelihoods of nine special-status species that actually occur, as well as 68 others that likely occur on the River Walk Specific Plan area. The DEIR is inadequate.

(Smallwood Report, p. 37.)

B. The DEIR’s Flawed Analysis of Potentially Significant Impacts to Biological Resources Results in Erroneous and Inaccurate Findings

Courts have held that an EIR’s unsubstantiated conclusion that an impact is not significant, without supporting information or explanatory analysis, is insufficient; the reasoning supporting the determination of insignificance must be disclosed. (See *City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) 208 Cal.App.4th 362, 393; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111; *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 432.) Though an agency is not required to perform a quantified analysis of biological impacts, the supporting biological studies or analyses on which the agency’s conclusions

are based must be “sufficiently credible” to support the EIR conclusions. (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1468.)

The DEIR’s reliance on an incomplete and largely inaccurate assessment of the environmental setting—derived from unreported and unavailable survey results paired with a flawed review of misconstrued data—results in findings regarding the Project’s potentially significant impacts that are wholly unsupported and necessarily inaccurate. The DEIR’s conclusory statements and unsubstantiated determinations are drawn from misapplication of facts and misinterpretation of how to appropriately use data, and as such cannot reasonably be considered “sufficiently credible.”

Moreover, the DEIR’s discussion of impacts contains statements that are misleading or inaccurate, as well as conclusions that are misleading or misinterpreted. For example, Dr. Smallwood pointed out, the DEIR (p. 3.4-35) makes the claim that the special-status species of bumble bees observed at the site “are not specifically protected under state or federal law.” (Smallwood Report, p. 37.) “To the contrary, Western bumble bee and Crotch’s bumble bee are candidate endangered species under the California Endangered Species Act. Candidate species are protected to the same degree as species listed as threatened or endangered (see Fish & Game Code section 2052.1).” (*Ibid.*) Other misleading or inaccurate statements include:

- Attributing the decline of the Western bumble bee to a parasite and to honeybees. Substantial evidence exists that habitat loss and pesticide use have contributed considerably to its decline. (Smallwood Report, p. 37.) If Western bumble bee occurs in the Specific Plan area, “habitat loss caused by the development of the River Walk Specific Plan could contribute substantially to the extirpation of Western bumble bee.” (*Ibid.*)
- Assertions that habitat for the three special-status species of bumble bee would be created by yards of new homes, parks, and along the river corridor. (DEIR, p. 3.4-36.) “However, the river corridor would not create new habitat because the river corridor already exists.” There is no evidence that yards or parks have ever provided habitat to the three special-status species of bumble bee. (Smallwood Report, p. 37.)
- Use of unreliable and unsubstantiated data to support its conclusions, such as inaccurate nesting and migratory information regarding the protected Swainson’s hawk, including a map purporting to show potential nesting sites for the hawk that is incomplete and inaccurate, omitting significant portions of the area that are clearly appropriate nesting sites, such as stands of large oak trees. (Smallwood Report, p. 43.)

- Claims that the levee shows no evidence of small mammal burrows and is thus less ideal for burrowing owl foraging. Dr. Smallwood's observations during his site visits, in contrast, returned evidence of numerous small mammals on the levee: burrows of ground squirrels, Botta's pocket gophers and California voles, including numerous vole runways through the grass on the levee. (Smallwood Report, p. 43.)
- Conclusory statements based on patently false data, including the spurious claim that although California ground squirrel burrows exist on the Specific Plan area, none of the burrows were large enough to support burrowing owls. Dr. Smallwood, who during his nearly 40 years of conducting wildlife surveys all over the state has never encountered ground squirrel burrows too small to support burrowing owls, observed numerous ground squirrel burrows at the site, including one next to a poison bait dispenser, all large enough to support burrowing owls. (Smallwood Report, photo 41, p. 44.)
- Flawed conclusions drawn from misinterpreted information, such as the determination that the Project would only have an "indirect impact" on burrowing owls and other species, despite the substantial loss of habitat and habitat fragmentation that will result from the Project. Loss of habitat is a direct impact that is "directly translatable to loss of individuals, because the environment's capacity to support those individuals is eliminated." (Smallwood Report, p. 44.)

The Project would unquestionably result in significant impacts to biological resources, many of which the DEIR fails to even mention, let alone discuss in detail. For example, the DEIR's downplays considerably the Project's adverse impacts to biological resources by offering only a limited discussion of its substantial contribution to habitat loss in the area. (Smallwood Report, pp. 44-45.) The DEIR neglects entirely to discuss Project impacts to wildlife resulting from habitat fragmentation and the ensuing loss of productive capacity. (*Ibid.*) "Habitat loss not only results in the immediate numerical decline of wildlife, but it also results in permanent loss of productive capacity. Habitat fragmentation multiplies the negative effects of habitat loss on the productive capacities of biological species (Smallwood 2015). None of these impacts, however, are specifically addressed in the DEIR." (*Id.* at p. 45.) Analyses of other impacts, such as impacts to wildlife movement, depredation by house cats, window and road collisions, are inadequately discussed or entirely omitted from the DEIR.

1. *The DEIR understates or wholly omits the Project's contribution to cumulative impacts in the region*

An EIR must discuss a cumulative impact if the project's incremental effects are "cumulatively considerable" when viewed "in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (CEQA Guidelines, §§ 15130, subd. (a), 15065, subd. (a)(3).) "[A] project-specific impact may be insignificant but its contribution to a cumulative impact may be cumulatively considerable." (*League to Save Lake Tahoe v. County of Placer* (2022) 75 Cal.App.5th 63, 148.) A lead agency has "an obligation to consider the present project in the context of a realistic historical account of relevant prior activities that have had significant environmental impacts." (*Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 524.)

An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure, or measures designed to alleviate the cumulative impact. The lead agency *shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.* (CEQA Guidelines, § 15130, subd. (a)(3); emphasis added.) "A cumulative impact analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker's perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval." (*Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431.)

Courts have found an EIR's discussion of cumulative impacts inadequate as a matter of law when they failed to include the requisite list of "past, present and reasonably anticipated future projects," or a summary of projections contained in an adopted general plan for a summary of cumulative development as is required by section 15130 of the Guidelines. (*San Joaquin Raptor, supra*, 27 Cal.App.4th at 740.) In *San Joaquin Raptor*, the court cited the EIR's assertion that "nonspecific 'cumulative development' will change the character of the community, increase light and glare and lead to the loss of agricultural land." (*Ibid.*) The determination that followed, which found "that although there has been a 'vast reduction in wildlife habitat areas, particularly wetlands,' due to 'encroachment into natural areas . . . as a result of urban expansion,' the '[c]umulative development of this and other projects within the Grayson Area will not contribute to that trend'" was "inexplicabl[e], [and] without any supporting facts or analysis." (*Ibid.*)

Similarly, the DEIR for the River Walk Specific Plan makes several contradictory assertions and conclusory statements unsupported by any facts or analysis. For example, the DEIR concedes that “[d]evelopment of the proposed Project would eliminate opportunities for movement habitat through the Specific Plan Area, along with any upland habitat adjacent to the movement corridors” and admits that the “proposed project would have cumulatively considerable impacts associated with biological resources.” (DEIR, p. 4.0–8.) However, the DEIR simultaneously insists, without any discussion or analysis, that the Project, “when considered alongside all past, present, and probable future projects (inclusive of buildout of the various General Plans within Stanislaus County), would not be expected to cause significant cumulative impacts” because “mitigation has been presented that would reduce any cumulative impact to a less than significant level.” (DEIR, p. 4.0–8.)

As required by section 15130 of the CEQA Guidelines, an EIR must include facts and analysis supporting its conclusion that a project’s contribution will be rendered less than cumulatively considerable such as a discussion of projections contained in an adopted general plan that summarize cumulative developments and their impacts. The only such discussion of cumulative impacts on biological resources in the DEIR is the statement that “[t]he local General Plan(s), in addition to regional, State, and federal regulations, includes policies and measures that mitigate impacts to biological resources associated with General Plan buildout.” (DEIR, pp. 4.0–7-8.)

Moreover, the DEIR, asserting that “[a]ll biological resources impacts were determined to be less-than-significant or less-than-significant with mitigation” seems to equate the mitigation of project-level impacts with reduction of cumulative impacts to less-than-significant levels. “Thus, the DEIR implies that cumulative effects are simply residual impacts of incomplete mitigation of project-level impacts, and that no residual impacts would remain. . . . Even if project-level mitigation is implemented, development projects cause cumulative impacts.” (Smallwood Report, p. 55.) Impacts may be mitigated to less-than-significant levels, but still cumulatively considerable when considered with other projects.

Dr. Smallwood notes that despite the “devastatingly large numbers of direct impacts to wildlife just at the River Walk Specific Plan alone,” which would unquestionably “add to the tolls at the other projects recently completed, underway or foreseeable,” the DEIR, without any supporting facts or analysis, falsely insists that “impacts related to biological resources would result in a less than cumulatively considerable contribution.” (DEIR, pp. 4.0–8-9.) “The DEIR does not provide a serious analysis. A fair argument can be made for the need to revise the DEIR to appropriately analyze potential cumulative impacts.” (Smallwood Report, p. 56.)

C. The DEIR Provides Inadequate Mitigation for Project Impacts to Biological Resources

An EIR shall describe feasible measures which could minimize significant adverse impacts. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. (CEQA Guidelines, § 15126.4, subd. (a)(1), (2).) “Formulation of mitigation measures shall not be deferred until some future time.” (Guidelines, § 15126.4, subd. (a)(1)(B).)

“Deferral of the specifics of mitigation is permissible where the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and possibly incorporated in the mitigation plan. On the other hand, an agency goes too far when it simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in the report.” (*King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 856 [*King & Gardiner Farms*]; *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275.)

An EIR cannot avoid studying impacts to biological resources by proposing a plan to mitigate presumed impacts based on future studies unless the mitigation measures and mitigation performance standards are identified. (*San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 CA4th 645, 671 [*San Joaquin Raptor Rescue Center*].)

In *San Joaquin Raptor Rescue Center, supra*, 149 Cal.App.4th at 668, the court found the EIR’s proposed mitigation of impacts to special-status species inadequate because the agency improperly deferred formulation of significant aspects of mitigation, and therefore failed to comply with CEQA’s informational requirements. The EIR in that case imposed a 300-foot buffer around areas where special-status species were presumed to occur, and conditioned future activity at those locations upon the completion of either a protocol-level survey to demonstrate the absence of such species at the site or “implementation of a Management Plan developed by a qualified biologist in consultation with appropriate jurisdictional agencies including California Department of Fish & Game and U.S. Fish and Wildlife Service.” (*Id.* at 669.)

The court found the EIR impermissibly deferred mitigation because it allowed for future formulation of land management aspects of the mitigation measures, and therefore impermissibly deferred the development of important mitigation measures until after project approval. (*Id.* at 669.) The court found the mitigation measures only contemplated a “generalized goal of maintaining the integrity” of species habitat, which did not satisfy CEQA’s requirement that specific criteria or performance standards be enumerated in order to find deferral of mitigation proper. (*Id.* at 70.) The EIR’s promise of future land management plans left “the reader in the dark about what land management steps will be

taken, or what specific criteria or performance standard will be met, if this presumption is confirmed by the later protocol studies.” (*Ibid.*)

The court indicated that the EIR in *San Joaquin Raptor Rescue Center* did include “many valid mitigation measures,” such as “various erosion controls and monitoring measures . . . [and] [p]reconstruction mitigation measures . . . to allow mobile animal species to vacate” areas where project activity would take place, as well as some details of what a land management plan to mitigate impacts might include, such as “periodic mowing, rotational grazing, and weed abatement.” (*San Joaquin Raptor Rescue Center, supra*, 149 Cal.App.4th at 669-670.) Ultimately, however, it found that the “success or failure of mitigation efforts in regard to impacts on such [special-status] species may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR. The fact that the future management plans would be prepared only after consultation with wildlife agencies does not cure these basic errors under CEQA, since no adequate criteria or standards are set forth.” (*Id.* at 670.)

Similarly, the DEIR defers mitigation of impacts to special-status species to just before the commencement of construction, and proposes, following the completion of preconstruction surveys, to establish “appropriate buffers” around those sites. (DEIR, p. 3.4-48.) The mitigation described in the DEIR, however, includes far fewer details than the EIR in *San Joaquin Raptor Rescue Center*, which included specifics as to buffer size and minimum setbacks, as well as specified conditions to be met prior to the commencement of any project activity within those zones. Any discussion of what is considered an “appropriate” buffer, such as size and shape, as well as any specifics regarding avoidance measures, are entirely omitted from the DEIR. (DEIR, pp. 3.4-47–50.) The document falls far short of even the mitigation found inadequate in *San Joaquin Raptor Rescue Center*, stating only that “[m]onitoring shall be conducted to confirm that project activity is not resulting in detectable adverse effects” on species. (DEIR, p. 3.4-48.) The DEIR commits only to the completion of preconstruction surveys to confirm the presence of species of concern, rather than the more stringent and accurate protocol-level surveys proposed in *San Joaquin Raptor Rescue Center*. While the lead agency in *San Joaquin Raptor Rescue Center* presumed the presence of special-status species in locations they were likely to occur—even when initial reconnaissance surveys failed to detect them—and proposed implementation of mitigation at those sites as a precautionary measure, the DEIR omits from its list of potentially impacted species a majority of the species that Dr. Smallwood observed during his site surveys or that are indicated as likely to occur by wildlife agencies’ reports and databases.

By deferring surveys to the time of future construction of each village, Dr. Smallwood notes, “the DEIR effectively skips detection surveys altogether, and only

pretends that preconstruction, take-avoidance surveys are detection surveys.” (Smallwood Report, p. 35.)

This flawed approach fails to disclose the potential impacts of the project on biological resources, and fails to protect the species at the time of construction as well, because these species are generally the most difficult to detect and are least likely to be detected by preconstruction surveys due to the weaker protocols and timing of these types of surveys. Implementing preconstruction surveys as surrogates for detection surveys is therefore inadequate mitigation.

(*Ibid.*)

Performing these surveys, furthermore, just days before construction is set to begin makes the effort all but useless. Dr. Smallwood noted that take-avoidance surveys to avoid impacts to active nesting bird species would require a sizable force of biologists conducting many surveys on many dates throughout the breeding season on a site as large as the Project area. (Smallwood Report, p. 58.) Dr. Smallwood’s own efforts to conduct nesting surveys on another site that was only 12.74 acres in size, for instance, required at least 30 surveys over a partial breeding season, and the nests of most small birds that nest in trees, shrubs and on the ground still evaded detection. (*Id.* at pp. 58-59.)

The DEIR fails to base its efforts at mitigation on accurate factual data, improperly defers formulation of mitigation measures until after the EIR has been certified and the Project has been approved, and/or provides confounding information that renders a meaningful review of its ability to minimize or avoid impacts to species impossible. For example:

- The DEIR proposes to conduct preconstruction surveys “within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31)” for mitigation of impacts to any protected bird species. (DEIR, p. 3.4-49.) As indicated by Dr. Smallwood, the “avian breeding season recognized by the CDFW is now 1 February through 15 September. The DEIR should be revised accordingly.” (Smallwood Report, p. 58.)
- “Finding all of the active bird nests on the project site would require a phenomenal effort by many qualified biologists working together throughout the breeding season.” (*Id.* at 60.) Surveying a site 116 acres in size that contains more than 600 trees is infeasible and guaranteed to be ineffective at mitigating impacts to nesting bird species.

- The DEIR’s improper deferral of mitigation and the language used to describe future mitigation efforts “allows a single individual to make a subjective decision, outside the public’s view, to determine the buffer area for any given species. This measure lacks objective criteria, and is unenforceable.” (*Id.* at 60.)
- The DEIR provides incomplete, confounding, and misleading information relating to impacts to biological resources and the proposed mitigation of those impacts. For example, in a discussion about compensatory mitigation, the DEIR lists a range of ratios to be used to determine the size of land conserved to compensate for the permanent loss of habitat caused by the Project. (DEIR, p. 3.4-49.) The DEIR indicates that these ratios are based on a 30-year-old CDFW staff report but does not offer any explanation or discussion of the facts or analysis that make this staff report an appropriate reference for the Project.
- The DEIR fails to provide substantial evidence or factual support for its determination that implementation of proposed mitigation will “ensure that potential impacts [to all biological resources at the Project site] are reduced to a less than significant level.” (DEIR, pp. 3.4-50–68.)
- Mitigation measure 3.4-9 is not a mitigation measure at all, but rather a description of the administrative and regulatory steps that should have been taken before a determination of impacts to the environment (which should have happened before the DEIR was circulated for public review). (DEIR, p. 3.4-56; Smallwood Report, p. 60.)
- The DEIR fails to propose mitigation for riparian habitat and wetlands because it erroneously—and without substantial evidence or factual support—concluded that the Project would have no impacts on these resources or that they are not subject to the protections afforded to federal or state jurisdictional waters. (DEIR, pp. 3.4-55–57.) Dr. Smallwood describes, for example, evidence in the National Wetland Inventory, a publicly available U.S. Fish and Wildlife Service website that provides maps and classifies wetland features. The site showed a classified wetland “readily visible in the aerial photos of the property, [that] is never discussed in the DEIR. This wetland is likely to be impacted by property development and is a potential ecological hotspot for listed species. Yet the DEIR fails to include mitigation associated with project impacts, such as drainage increasing or decreasing as a result of construction and stormwater management, or impacts to wildlife species.” (Smallwood Report, p. 61)
- The DEIR proposes to compensate for the permanent loss of burrowing owl foraging habitat “by preservation and management of foraging habitat of at least a

similar quality and equivalent acreage at a biologically appropriate location. An example of similar quality shall be cropland for cropland, grassland for grassland, etc.” (DEIR, p. 3.4-48.) Dr. Smallwood points out that this is a misguided metric by which to measure “appropriate” habitat to compensate for this loss.

“Appropriate would be protecting lands known to provide habitat to burrowing owls, whether that land be used in crop production or it is grassland or something else. This is important because most cropland in California is no longer occupied by burrowing owls, which are rapidly disappearing from California.” (Smallwood Report, p. 58.)

Based on all of the above, the DEIR fails to provide the bare minimum required by CEQA, such as facts and analysis, not bare conclusions and opinions. (*King & Gardiner Farms, supra*, 45 Cal.App.5th at 869.) Dr. Smallwood concluded that the DEIR “insufficiently discloses wildlife and plant resources on the Specific Plan area and the expanded Sphere of Influence.” (Smallwood Report, p. 34.) “The DEIR needs to be withdrawn from public circulation and revised after the completion of appropriate surveys.” (Smallwood Report, p. 44.)

III. THE DEIR FAILS TO FULLY ANALYZE AND DISCLOSE PROJECT IMPACTS TO WATER SUPPLY (DEIR CHAPTER 3.9)

The fundamental purpose of an EIR is to “provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment.” (Pub. Resources Code, § 21061.) An EIR shall include a detailed statement setting forth all significant effects on the environment of the proposed project. (Pub. Resources Code, § 21100, subd. (b)(1).) “The informational purposes of [CEQA] are not satisfied by an environmental impact report that simply ignores or assumes a solution to the problem of supplying water to a proposed land use project. Decision makers must, under the law, be presented with sufficient facts to evaluate the pros and cons of supplying the amount of water that the project will need.” (*Vineyard, supra*, 40 Cal.4th at 413.)

A. Groundwater Conditions and Impacts are Misreported

The City of Riverbank is located within the San Joaquin Valley and the Modesto Groundwater Subbasin, which is designated a high-priority basin by the Department of Water Resources (“DWR”). (DEIR, p. 3.9-21.) Current uses in the Project area are predominantly agricultural with some residential use. Modesto Irrigation District (“MID”) provides water supply for agricultural operations in the region and maintains two easements in the Project area.

The City's sole source of water supply is groundwater delivered through a pressurized distribution system from nine wells and two one-million-gallon storage tanks located in the north-central portion of the Subbasin; it produced about 4,452 AF of groundwater in 2020 according to the DEIR. The DEIR estimates that "at full build-out, for the entire City Planning Area (i.e. future demand within the City limits and General Plan areas), the projected water demand will be 14,610 AFY, or 3.2 times the 2020 production." (DEIR, p. 3.9-9.)

According to the WSA prepared for the Project, water demands for the Project would be served using only the City's existing groundwater supplies, and no other supply source is evaluated. (WSA, DEIR Appendix H, p. 9.) The City participated in the development of the Groundwater Sustainability Plan ("GSP") for the Modesto Subbasin in January 2022 as part of the Stanislaus and Tuolumne Rivers Groundwater Basin Association ("STRGBA"), in which the City's supplies of groundwater were declared sufficient to meet current and projected future demands. (Modesto Subbasin GSP, p. 2-14.)⁵

The WSA determined that, based on the findings in the GSP, as well as those of "various groundwater investigations performed on groundwater availability in the subbasin . . . , the City's *groundwater supplies are expected to be highly reliable* for serving a future development such as the Proposed Project." (*Ibid.*; WSA, p. 18; emphasis added.) This depiction of a "highly reliable" groundwater basin, however, is a considerable departure from the description provided by DWR in a January 2024 Staff Report in which DWR rejected the GSP as incomplete. DWR indicated that the GSP offered a wildly inaccurate depiction of the condition of the Subbasin, instead characterizing the Subbasin as dangerously depleted and in a state of continued overdraft.⁶ DWR staff rejected the GSP due, in part, to its insufficient assessment of impacts to the subbasin from this continued overdraft and inadequate analyses of the number and location of wells anticipated to go dry during the 20-year implementation period and resulting impacts to land uses and property interests. (*Id.* at 2.)

⁵ Available at:

<https://www.strgba.org/Content/Documents/Documents/Modesto%20Subbasin%20GSP%2020220130.pdf>.

⁶ Specifically, DWR found "the Subbasin's Plan does not satisfy the objectives of the Sustainable Groundwater Management Act nor substantially comply with the GSP Regulations." (Letter from DWR to Eric Thorburn, Oakdale Irrigation District re: Sustainable Groundwater Management Office Evaluation of Modesto Subbasin 2022 GSP, dated January 18, 2024, p. 1, attached as Attachment 2.)

Questioning the GSP's proposed management actions that "would allow a portion of the Subbasin to operate below minimum thresholds for an extended duration during the 20-year implementation period" without explaining how this approach would avoid undesirable results, the Staff Report concluded that:

It does not appear from the GSP that the GSA considered lasting impacts that may occur even if groundwater levels improve after years of being below minimum threshold levels, such as permanent changes in land use practices (e.g., farmland fallowed, converted, or sold), decreased property values and population changes associated with years of inadequate or unreliable groundwater supplies (because below existing well or pump depths), and impacts or damage to, or abandonment of, domestic or agricultural wells whose productivity decreases or ceases at groundwater levels below minimum thresholds.

(DWR Staff Report, p. 11.)

Noting that the substantial and well-documented impacts resulting from widespread over-pumping in the Central Valley are acknowledged in the GSP, the DWR Staff Report expressed concern that the GSP nonetheless proposed a management approach with the "potential to cause lasting or irreversible undesirable results related to land subsidence, water quality, and interconnected surface water in the Subbasin even if groundwater levels recover above the minimum thresholds after 20 years of Plan implementation." (DWR Staff Report, p. 11.) The GSP contained no indication that these impacts were considered by the GSA or disclosed to interested parties. (*Ibid.*)

Despite likewise acknowledging the "well-documented" impacts of pumping from the basin volumes of groundwater greater than could be reasonably replenished, the DEIR asserts that "the Modesto Subbasin is not at risk of depleting a large percentage of its total volume of groundwater supply," before conceding that overdraft conditions will "require[] mitigation to meet the Subbasin sustainability goal." (DEIR, p. 3.9-9.) The City claims in both the DEIR and the WSA that these overdraft conditions, according to the GSP, are "occurring primarily in the eastern Subbasin – not the central Subbasin where the City is located," perhaps implying that future development in the City cannot contribute to overdraft conditions in the Subbasin. (*Ibid.*; WSA, p. 18.) Nevertheless, the documents assert, "many mitigation measures are presented in the GSP to ensure long-term sustainability of the Modesto Subbasin and will be implemented over the coming years." (WSA, p. 18.)

The DWR Staff Report directly refutes the claim that these mitigation measures will "ensure long-term sustainability" of the Subbasin. Specifically, the DWR Staff

Report explains that the GSP “does not appear to provide reasonable means to mitigate actual overdraft.” (DWR Staff Report, p. 13.) Notably, the DWR Staff Report identified significant inaccuracies in the GSP’s estimates of the Subbasin’s projected overdraft, such as the baseline overdraft—upon which the extent of mitigation needed to achieve sustainability would be based—which was determined, without explanation, to be more than 10 times lower than actual overdraft values reported for the Subbasin in recent annual reports. (*Ibid.*) Against this inconceivably diminished baseline, the DWR Staff Report estimated that the Subbasin would need 218 years of full implementation of the GSP’s projects proposed to mitigate overdraft, combined with conditions requiring no additional overdraft, to offset the actual loss of storage reported to have been experienced in the Subbasin in two recent years of annual reporting. (*Id.* at 14.)

According to the WSA prepared for the Project, “the total projected water supplies documented to be available for the Project during Normal, Single Dry, and Multiple Dry water years during a 20-year projection are more than sufficient to meet the projected water demand associated with the Project, in addition to existing and planned future uses.” (WSA, p. 22.) The WSA does not address, however, whether additional pumping of Subbasin groundwater to meet Project demands would have cumulative impacts on the basin and other groundwater users when considered together with other reasonably foreseeable demands on its diminishing groundwater levels.

The DEIR concedes that construction proposed by the Project would result in significant increases in impervious surface area at the site and reduced surfaces with moderate to high infiltration rates, resulting in reduced rainwater infiltration and groundwater recharge. (DEIR, p. 3.9-31.) As noted in the DEIR, the site contains a range of soil types with low, moderate, and high infiltration rates. “In general, sandy soils have higher infiltration rates and can contribute to significant amounts of groundwater recharge; clay soils tend to have lower percolation potential; and impervious surfaces such as pavement significantly reduce infiltration capacity and increase surface water runoff.” (*Ibid.*)

Evidence of the adverse impacts on groundwater recharge likely to result from Project development is found throughout the DEIR, such as in the statement that “the proposed Project would reduce the amount of pervious surfaces within the Project Area, [while] much of the site would be converted to impervious surface,” conceding that the Project would result in reduced groundwater recharge by decreasing surfaces with infiltration potential.⁷ (DEIR, p. 3.9-34.) The construction of new municipal water wells

⁷ Confusingly, the DEIR follows this statement with the erroneous finding that “[t]his would result in opportunities for groundwater recharge after the Project Area is fully developed.” (DEIR, p. 3.9-34.)

to meet Project demands will increase the capacity of available water and will eventually flow from the proposed Project wells to the rest of the City system—wells that were not included in the analysis provided in the WSA—would result in further depletion of the Subbasin’s available groundwater, contributing to its continued overdraft. (DEIR, p. 3.9-33.)

The Project also proposes to convert land in agricultural production to urban uses, further decreasing the available surface area that currently contributes to groundwater recharge. Development of the greater Project area with impervious surfaces, and the subsequent collection of rainwater from those impervious surfaces which will be routed into the proposed Project’s storm drainage system and eventually flow into the Stanislaus River or other downstream aquatic facilities will further reduce rainwater infiltration and groundwater recharge. In addition, future development that is highly likely to occur in the City’s expanded SOI, in the Reserve area for example, would increase water supply demands and decrease recharge opportunities further.⁸ These impacts were omitted from any discussion of impacts and assessments of available water supply. The findings reached by the DEIR and WSA that the proposed Project would not cause the substantial depletion of groundwater supplies or interfere substantially with groundwater recharge, were based in large part on the erroneous conclusions of the GSP and related water supply investigations, which concluded that “the groundwater supplies are expected to be highly reliable” and which were summarily rejected as inaccurate and misleading by DWR’s GSP Staff Report. (See DEIR, p. 3.9-32; WAS, pp. 9, 18; GSP Staff Report, p. 13.)

CEQA’s requirement that an EIR provide information adequate to inform the public of a project’s significant impacts are not, as discussed above, satisfied by assumptions or unsupported conclusions regarding provision of water supply to a proposed project. (*Vineyard, supra*, 40 Cal.4th at 434.) “Decision makers must, under the law, be presented with sufficient facts to ‘evaluate the pros and cons of supplying the amount of water that the [project] will need.’” (*Ibid.*, citing *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d at 829.) “The ultimate question under CEQA . . . is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project.” (*Ibid.*) Here, the DEIR’s conclusions regarding the adequacy of a water supply are contrary to

⁸ “The entire Project Vicinity includes approximately 1,522 acres within the unincorporated county adjacent to the City of Riverbank. The Specific Plan Project area (i.e., the RWSP or Project) includes a 993-acre area proposed to be annexed and subsequently developed. The remaining land within the Project Vicinity is part of the SOI Amendment and would be held as Reserve land for possible long-range planning at some future time.” (WSA, p. 4.)

readily available information regarding the status of the groundwater Subbasin. (See Attachment 2.)

B. Future Water Supply Impacts are Not Analyzed

An EIR must consider, among other impacts, the cumulative impact of past, present and probable future projects. (Pub. Resources Code, § 21083, subd. (b); *Santa Clarita, supra*, 106 Cal.App.4th at 721.) Large or long-term developments such as the proposed Project have been scrutinized for the adequacy of their analysis of future projects on impacts to water supplies:

An adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years. While proper tiering of environmental review allows an agency to defer analysis of certain details of later phases of long-term linked or complex projects until those phases are up for approval, CEQA's demand for meaningful information "is not satisfied by simply stating information will be provided in the future."

(*Vineyard, supra*, 40 Cal.4th at 431; citing *Santa Clarita, supra*, 106 Cal.App.4th at 723.)

"Tiering" of environmental review to defer analysis of projects that occur at multiple stages is encouraged and is appropriate when impacts and mitigation measures cannot be adequately determined during the first phase of analysis but are specific to later phases. Tiering, however, "does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration." (CEQA Guidelines, § 15152, subd. (b)). Certain mitigation or impacts analyses may be impractical when a large-scale project is in the initial approval stages. "But the future water sources for a large land use project and the impacts of exploiting those sources are not the type of information that can be deferred for future analysis. An EIR evaluating a planned land use project must assume that all phases of the project will eventually be built and will need water, and must analyze, to the extent reasonably possible, the impacts of providing water to the entire proposed project." (*Vineyard, supra*, 40 Cal.4th at p. 431; citing *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 206 [*Stanislaus Natural Heritage*].)

Additionally, "the future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations ('paper water') are insufficient bases for decisionmaking under CEQA." (*Vineyard, supra*, 40 Cal.4th at 432.) "Where, despite a full discussion, it is impossible to

confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies.” (*Ibid.*) Here, DWR’s rejection of the STRGBA GSP noted that the projected overdraft estimates included in the GSP were significantly lower than the actual overdraft figures reported to DWR, indicating that the subbasin is being severely overdrafted, contrary to what Project proponents would have decisionmakers believe. As the Subbasin does not in fact offer a “highly reliable” water supply, as the DEIR and WSA insist, CEQA mandates discussion of an alternate supply to meet the Project’s demands.

C. Water Quality Impacts are Overlooked

The Project proposes planned urbanization of the Project area, which would result in “changes to land use, natural vegetation, and infiltration characteristics, and would introduce new sources of water pollutants,” such as sediment, oxygen-demanding substances (e.g., organic matter), nutrients (primarily nitrogen and phosphorus), heavy metals, bacteria, oil and grease, and toxic chemicals that can degrade receiving waters. (DEIR, p. 3.9-34.) Project-related increases in urban stormwater runoff may stem from erosion of disturbed areas, deposition of atmospheric particles derived from automobile or industrial sources, corrosion or decay of building materials, rainfall contact with toxic substances, decomposing plant materials, animal excrement, and spills of toxic materials on surfaces which receive rainfall and generate runoff. (DEIR, p. 3.9-35.) The DEIR identifies new sources of Project-related urban runoff, such as new residential uses within the Project area such as streets, driveways and parking areas, fertilizer wastes and bacterial contamination from yards, and hazardous materials storage constructed to serve new commercial development. (*Ibid.*)

These non-point source pollutants, such as automotive petroleum products, household hazardous materials, heavy metals, pesticides, herbicides, fertilizers, and sediment, could result in both temporary and long-term impacts. (DEIR, p. 3.9-29.) Both the construction and long-term operations of the Project, combined with increases in impervious surface area at the site resulting from increased urban development, are likely to contribute to degradations in water quality as these pollutants become more ubiquitous with Project-induced population growth.

To address potential impacts to water quality from discharge of pollutants and stormwater runoff resulting from new development, the DEIR proposes the construction of a new storm drainage collection and conveyance system, which may or may not include a water quality system with detention basins, a system of drainage swales to treat and convey collected stormwater, and facilities designed to address water quality standards and requirements; this system would allegedly be designed to function

independently from surrounding developments. (DEIR, p. 3.9-29.) Much of the system's details, including potential locations of detention basins and suggested layout of the system of collection and conveyance pipes, which may run "along the streets and within properties," is deferred until the design phase. (*Ibid.*)

Installation of the proposed storm drainage system would be realized via use of "MID-owned facilities for storm drainage discharge pending an agreement with MID." (DEIR, p. 3.9-35.) Should the City fail to reach an agreement with MID, the City would need to devise an entirely new system through which to discharge stormwater by way of retention within basins and infiltration into the subsurface soils through infiltration trenches. (*Ibid.*) An agreement with MID, the provisions of which, such as discharge flowrate limitations, maintenance obligations, fees, and other terms, have not yet been established, will "likely also allow the MID to temporarily restrict stormwater discharges to the canals, which may result in longer storage periods for volume within the basins." (DEIR, p. 3.9-36.) Adequate flood protection must be provided, by demonstrating that basins that have the capacity to store the volume sufficient to protect building pads from inundation from a 50-year design storm, as well as that of a higher-runoff storm event, such as the 100-year design storm storage volume, in the event that pumped discharge into the MID is temporarily restricted.

For the reasons discussed throughout the above sections, the DEIR fails as an informational document and fails to support its conclusions of Project-related impacts with substantial evidence as required under CEQA.

IV. THE DEIR FAILS TO FULLY ANALYZE AND DISCLOSE IMPACTS TO LAND USE (DEIR CHAPTER 3.10)

A specific plan EIR should contain analysis specific enough to reflect the level of detail in the plan. (CEQA Guidelines, § 15146.) However, analysis of significant effects "may not be deferred to later development under the specific plan, nor deferred to later tiered EIRs." (*Stanislaus Natural Heritage, supra*, 48 Cal.App.4th at 199.)

No specific plan may be adopted or amended unless it is consistent with the general plan. (Gov. Code, § 65454.) An inconsistency between a general plan and a specific plan occurs not only when there is a direct conflict, but also when a specific plan is indirectly in conflict with the general plan because it would "frustrate the general plan's goals and policies." (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 379; California Land Use Practice (Cal. CEB 2023), § 2.55.)

It is declared state policy that Local Agency Formation Commissions (“LAFCOs”), tasked with guiding development in each county by regulating the boundary changes of cities and districts, do so by “discouraging urban sprawl, preserving open-space and prime agricultural lands, encouraging the efficient provision of government services, and encouraging the orderly formation and development of local agencies.” (Gov. Code, § 56301). Any formation of a new district, incorporation of a city, annexation to or detachment from a city or district, . . . or merger or establishment of a subsidiary district is a “change of organization” that must be approved by a LAFCO. (See Gov. Code, §§ 56021, 56375.)

Stanislaus LAFCO, in keeping with this directive, embodies in its General Powers and Policy Guidelines the vital importance of agriculture in the County through policies directing that “boundary changes for urban development should only be proposed, evaluated, and approved in a manner which, to the fullest extent feasible, is consistent with the continuing growth and vitality of agriculture within the County.” (Stanislaus LAFCO General Powers and Policy Guidelines, Policy 22 – Agricultural Preservation Policy.) In line with the state requirement to consider the “effect of the [boundary change] proposal on maintaining the physical and economic integrity of agricultural lands” (Gov. Code, § 56668, subd. (e)), Stanislaus LAFCO’s mandates for the preservation of agricultural lands in the County include:

- Guide development away from agricultural lands where possible and encourage efficient development of existing vacant lands and infill properties within an agency’s boundaries prior to conversion of additional agricultural lands.
- Fully consider the impacts a proposal will have on existing agricultural lands.
- Minimize the conversion of agricultural land to other uses.
- Promote preservation of agricultural lands for continued agricultural uses while balancing the need for planned, orderly development, and the efficient provision of services.

(Stanislaus LAFCO General Powers and Policy Guidelines, Policy 22 – Agricultural Preservation Policy.)

The Project, including both the RWSP and the SOI expansion, fails to comply with several of the directives listed above, as explained below.

A. Failure to Preserve Agricultural Lands and Seek Reasonable Alternatives

Stanislaus LAFCO expressed numerous concerns in comments to the City on the NOP for the DEIR. Among those was the prevention of urban sprawl—a valid cause for concern, given the City’s accelerated growth. A city’s SOI, according to Stanislaus LAFCO policies, is territory “eligible for annexation and the extension of urban services within a twenty-year period,” while a Primary Area within the SOI is “eligible for annexation and extension of urban services within a zero to ten-year period.” (Stanislaus LAFCO Response to NOP – River Walk Specific Plan, June 29, 2021, p. 1.) The City of Riverbank, meanwhile, last sought approval for an SOI expansion from LAFCO, for which it added “approximately 1,479 acres intended to accommodate the City’s growth over the next 20 years,” in 2016. (*Ibid.*) In 2019, the City annexed approximately 400 acres of this area “for residential and commercial uses.” (*Ibid.*)

LAFCO, tasked with the goal to “protect and promote agriculture,” has adopted policies directing that “development should be guided away from agricultural lands, including prime agricultural land.” Contrary to this policy, “[i]t appears that the majority of the 1,535-acre sphere of influence expansion area is also considered prime farmland.” (Stanislaus LAFCO NOP comments, p. 2.) LAFCO requested in its comments on the NOP that the City include in the DEIR a full description of land within the Project area considered prime agricultural land by both the Department of Conservation and LAFCO, as well as “a range of alternatives to the proposal, including alternatives that focus on lands already within the sphere of influence and non-prime lands.” (*Ibid.*)

In addition to the above, Stanislaus LAFCO specifically requested that the City include in the DEIR a discussion of the following:

- Amendment proposals involving Sphere expansion that contain prime agricultural land will not be approved by LAFCO if there is sufficient alternative land available for annexation within the existing Sphere of Influence. The City’s analysis should identify undeveloped areas already within the City limits and Sphere of Influence that could be developed with similar uses.
- Territory not in need of urban services, including open space, agriculture, non-protected, or protected and not upheld Williamson Act contracted lands, shall not be assigned to an agency’s sphere of influence, unless the area’s exclusion would impede the planned orderly and efficient development of this area.

- Sphere of influence boundaries shall, to the extent possible, maintain a separation between existing communities to protect open space and agricultural lands and the identity of an individual community.

(Stanislaus LAFCO NOP comments, p. 2.)

Development of the proposed Project would result in the permanent conversion of approximately 661.33 acres of Prime Farmland, plus an additional 165.80 acres of land designated as Farmland of Statewide Importance by the state. (DEIR, p. 3.10-29.) The Project proposes to eliminate all of the land in the Project area currently designated as Agricultural Resource Conservation area. (DEIR, Table 3.10-5, p. 3.10-20.) Furthermore, the Project Area contains nine parcels under a Williamson Act contract. (DEIR, p. 3.10-29.)

Far from a full discussion of the Stanislaus LAFCO requests, the DEIR instead includes vague descriptions and dubious explanations of its unfettered destruction of prime farmland in the County. For example, instead of devising alternatives to the proposed Project that would not conflict with land under a Williamson Act contract, the DEIR instead offers to the landowners under Williamson Act contracts the following solutions: “[1] file a notice of nonrenewal and wait nine years for the contract to expire, [2] cancel with the payment of fees equal to 12.5% of the property value, or [3] complete an agricultural easement exchange.” (DEIR, p. 3.10-29.) Though this does not offer any viable solution to the landowner, the City seems to think it brings the Project into compliance with LAFCO policies: “A proper cancellation and/or agricultural easement exchange would ensure that there is no conflict with a Williamson Act contract.” (DEIR, p. 3.10-30.)

Regarding the request to consider sufficient alternative land available within the existing SOI for the development of the Project’s proposed 2,432 dwelling units, the DEIR offers only the following paragraph:

The Riverbank Housing Element identifies development potential within the city limit (1,870 units) and 4,842 units within the SOI. These units may include developable areas on prime farmlands, but exclude lands with Williamson act contracts. However, it should be noted that development opportunities throughout the city limits and SOI do not provide for contiguous parcels that provide opportunities for large areas of master planned development similar to that proposed by the Specific Plan.

(DEIR, p. 3.10-30.) No further discussion of why this land would be inappropriate for the proposed development is offered.

Additionally, without full discussion, the DEIR indicates that the Project is subject to some mitigation measures, such as participation in Stanislaus LAFCO's Agricultural Preservation Policy and the City's Sustainable Agricultural Strategy, which "would assist in preserving farmland." (DEIR, p. 3.10-29.) However, the DEIR offers no alternatives that would lessen these significant impacts, stating only that the "proposed Project would still result in the permanent conversion and loss of Prime Farmland. There are no feasible measures that would allow for the proposed Project to be developed according to the Goals and Objectives outlined in Section 2.0 Project Description, while mitigating the impact to an insignificant level." (*Ibid.*)

B. Inconsistency with General Plan

To fulfill the requirements of LAFCO's Agricultural Preservation Policy, cities are required to prepare a Plan for Agricultural Preservation upon application for an expansion of an SOI. The last time it sought approval for an expansion of its SOI in 2016, the City adopted a Sustainable Agricultural Strategy, which was used as a Plan for Agricultural Preservation for the City's current SOI. "The Plan identified many of the City's current General Plan policies, including Agricultural Resource Conservation Areas covering 1,300 acres west of the City, use of agricultural buffers, and overall policies related to infill development prior to consideration of additional annexation areas." (Stanislaus LAFCO NOP comments, p. 3.) The current proposal, LAFCO pointed out, "would remove the Agricultural Resource Conservation designation in the project area and represents a significant shift in General Plan policies, the impacts of which will need to be fully discussed and considered." (*Ibid.*)

Rather than include a discussion of how it intends to comply with those areas of the General Plan that, as LAFCO pointed out, are inconsistent with the proposed Project, the DEIR states simply that it "analyzes lands included within the SOI expansion area (Project Area) and the annexation of the Specific Plan Area into the City of Riverbank, and it is intended to be used by LAFCO for their consideration of these approvals. Annexation of the Specific Plan Area is consistent with the growth plans outlined in the Riverbank General Plan." (DEIR, p. 3.10-25.) This is inadequate.

C. Inconsistency in Impacts Discussions

Furthermore, the DEIR provides inconsistent and confusing descriptions of what the Project actually is and what impacts it will have, making it impossible to know what the consequences of approving the Project will be.

For example, the DEIR states that “all land outside of the Specific Plan Area, but within the SOI boundary change, would not be converted to non-agricultural uses under the proposed Project.” (DEIR, p. 3.10-29.) In the same section, the DEIR again states that parcels under a Williamson Act contract that are located “within the SOI, but outside the Specific Plan Area, would have no potential for conflict because they are not proposed for development.” (*Ibid.*) Just one page later, however, the DEIR includes a calculation of the total residential development contemplated by the Project, noting that the “Specific Plan would result in the development of up to 1,550 Low Density Residential (LDR) units, up to 702 Medium Density Residential (MDR) units, and up to 180 High Density Residential (HDR) units within these 18 residential villages covering 1,521.41 acres.” (*Id.* at p. 3.10-30.) This acreage covers the whole of the SOI expansion, not the 977 acres allotted for the RWSP development. Despite claims that the City cannot foresee development on the land outside the RWSP but inside the SOI, or that landowners cultivating farmland that will be swallowed up by the newly expanded SOI do not need to worry that their land will be developed, it is clear that the City has plans for all of the land that it proposes to include in the SOI.

As pointed out by Stanislaus LAFCO in its NOP comments, “[i]f both the City and County’s plans were developed to their extents, no separation of communities or agricultural land would remain . . . in this area of Stanislaus County.” (Stanislaus LAFCO NOP comments, p. 2.)

D. Logical Boundaries and Creation of an Island

State law and LAFCO policies discourage development that results in the creation of “islands,” or unincorporated territories surrounded or substantially surrounded by a city or the city and another boundary, such as the ocean or a county line. (See Gov. Code, § 56744; Stanislaus LAFCO General Powers and Policy Guidelines, Policy 20 – Logical Boundaries.) Stanislaus LAFCO defines “island” as “unincorporated territory substantially surrounded by a city, or territory surrounded by a city on one or more sides and an adjacent city on the remaining sides.” (Stanislaus LAFCO Policies and Procedures, April 22, 2020.) Whether a territory is considered “substantially surrounded” is to be considered by LAFCO on a “case-by-case basis, through review of land uses, infrastructure, and patterns of service delivery within the island area and surrounding lands.” (Stanislaus LAFCO General Powers and Policy Guidelines, Policy 17.)

As pointed out by LAFCO’s Executive Officer in comments on the NOP, the Specific Plan annexation, as proposed, “will leave the unincorporated Park Ridge/River Heights neighborhood surrounded by the City Limits on three sides and the County boundary on the fourth, creating an unincorporated island.” (Stanislaus LAFCO NOP comments, p. 3.) Despite receiving this note of caution from LAFCO concerning the

undesirable creation of an island, the City failed to correct this error in the DEIR. Instead, it merely explained that because the “proposed annexation would leave approximately 65% of the area surrounded by the city limits, while approximately 35% would remain surrounded by unincorporated land,” the area would not meet the definition of Island, Potential Island, or Pocket that LAFCO had evidently relied on at some uncertain point in the past, according to vague references in the DEIR. (DEIR, p. 3.10-26.) Thus, the DEIR fails to address the issues brought to its attention by Stanislaus LAFCO.

V. CONCLUSION

“Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. [Citations.] The EIR process protects not only the environment but also informed self-government. [Citations.]” (*Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 84, quoting *Laurel Heights I, supra*, 47 Cal.3d at 392.) Here, the DEIR fails to include the basic information required by CEQA to inform decisionmakers and the public. As a result, the DEIR must be corrected and recirculated prior to the City making any decision on the Project.

Very truly yours,

SOLURI MESERVE

A Law Corporation

By:


Osha R. Meserve

Attachments:

1. Letter from Dr. Shawn Smallwood to Miguel Galvez, re: River Walk Specific Plan DEIR, dated April 17, 2024
2. Letter from DWR to Eric Thorburn, Oakdale Irrigation District re: Sustainable Groundwater Management Office Evaluation of Modesto Subbasin 2022 GSP, dated January 18, 2024

ATTACHMENT 1

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Miguel Galvez
Contract City Planner
City of Riverbank
6707 3rd Street, Suite A,
Riverbank, CA 95367

17 April 2024

RE: River Walk Specific Plan DEIR

Dear Mr. Galvez,

I write to comment on the insufficient analysis of potential impacts to biological resources that would result from the River Walk Specific Plan, which I understand proposes to add 2,432 residential units on 997.18 acres on which walnut and almond orchards are grown adjacent to the Stanislaus River and its riparian forest. I also understand that the added City's Sphere of Influence would be 1,522 acres. The site is rich in wildlife, including special-status species. I am concerned that the analyses of potential impacts to plants and wildlife in the River Walk Specific Plan Draft Environmental Impact Report (DEIR) are much too cursory and coarse-grained to serve as sufficient review, and some analyses of potential impacts are missing. In fact, despite requests to the City, I could not find a technical report of the methods and results of the biological resources study allegedly performed by Steve McMurtry. Also, the DEIR's mitigation measures would be inadequate in the face of the types and magnitudes of the impacts of development at the site of the River Walk Specific Plan.

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 also worked as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, wildlife interactions with the anthrosphere, and conservation of rare and endangered species. I authored many papers on these and other topics. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and Raptor Research Foundation, and I've lectured part-time 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-seven years. My CV is attached as Exhibit A.

SITE VISIT

I visited the site of the proposed project for nearly 3.7 hours from 14:10 to 17:52 hours on 24 February 2024, and for 4.05 hours from 06:57 to 11:02 hours on 1 April 2024. I surveyed from the levee bank along the Stanislaus River, scanning for wildlife with use of binoculars. I recorded all species of vertebrate wildlife I detected, including those

whose members flew over the site or were seen nearby, off the site. Animals of uncertain species identity were either omitted or, if possible, recorded to the Genus or higher taxonomic level.

Conditions were clear with no wind and 70° F on 24 February, and clear with no wind and 42° to 58° F on 1 April. Most of the site was in agriculture, mostly walnuts and almonds, but also hayfields and irrigated pastures and vineyards (Photos 1 – 4). Numerous stands of blue elderberry grow along the levee, many with large-diameter trunks suitable for valley elderberry longhorn beetle (Photos 5 and 6).



Photo 1. *Disked fields, vineyards, almonds and a Valley oak on the Specific Plan area, 24 February 2024.*



Photo 2. Blue elderberry (left) and almonds on the Specific Plan area, 24 February 2024.



Photo 3. Riparian forest on the Specific Plan area, 24 February 2024.

Photo 4.
Riparian forest on the Specific Plan area, 24 February 2024.



Shawn Smallwood



Photo 5. *Blue elderberry (foreground) and walnuts on the Specific Plan area, 24 February 2024.*



Shawn Smallwood

Photo 6. *Trunks of many of the site's blue elderberry shrubs are amply thick for supporting the endangered Valley elderberry longhorn beetle. Photo taken 1 April 2024.*

While surveying at the project site, I detected 53 species of vertebrate wildlife on 24 February and 64 species of vertebrate wildlife on 1 April 2024 for a total of 75 species (Table 1). Among those 75 species were 13 with special-status, including Swainson's hawk which is listed as Threatened under the California Endangered Species Act (Table 1). I saw Swainson's hawks (Photo 7) and Cooper's hawks (Photos 8 and 9), red-shouldered hawks (Photos 10 and 11), yellow-billed magpie and acorn woodpecker (Photos 12 and 13), yellow-rumped warbler and bushtit (Photos 14 and 15), red-tailed hawks (Photo 16 and 17), turkey vulture (Photo 18), common merganser and Canada goose (Photos 19 and 20), California scrub-jay (Photos 21 and 22), tree swallows (Photos 23 and 24), western bluebird and double-crested cormorant (Photos 25 and 26), mourning doves (Photos 27 and 28), northern flicker, northern mockingbird and oak titmouse (Photos 29, 30, 31), Anna's hummingbird (Photo 32), golden-crowned sparrow and spotted towhee (Photos 33 and 34), house wren and western gray squirrel (Photos 35 and 36), Lincoln's sparrow and white-crowned sparrow (Photos 37 and 38), and Nuttall's woodpecker and wood ducks (Photos 39 and 40) among other species whose photos were not good enough to share or who eluded photo-capture but are listed in Table 1.

Early signs of breeding were evident on 24 February, but more obvious on 1 April. Most of the birds were divided into pairs by 24 February, and some members of pairs were inseparable. A male wood duck incessantly chased a female. The male northern flickers incessantly chased females, and more aggressively each other. Many nests from previous years were visible in trees that were just beginning to bud, and some birds such as red-tailed hawks were already occupying nest structures. On 1 April, I saw many birds aggressively defending breeding territories, and many birds carried nest material to nest sites. Red-shouldered hawks were building a nest. Tree swallows were establishing and defending cavity nests. A pair of Swainson's hawks perched next to each other at a location I assumed was to become their nest site. I assume that most of the wildlife species I detected on the site also breed on the site, although a few species are likely to move on before nesting, and others have yet to arrive.

Whereas most of the wildlife I saw was associated with the riparian forest along the Stanislaus River, many of the animals spilled over into the walnut and almond orchards west of the levee. Many animals foraged on agricultural land, and many gathered nest material from the open field between the orchards and from the orchards themselves. The open field that had been disked over the last year or so was often occupied by white-crowned sparrows and mourning doves, and hunted by raptors. This open field was also visited by wild turkeys. I saw birds using what the DEIR characterizes as an agricultural "ditch." This ditch, which looked to me more like a channelized stream with a relatively mature riparian woodland, supported a lot of bird traffic, most of which was of species I could not identify due to distance.

Table 1. Species of wildlife I observed during 3.7 hours of survey on 24 February 2024.

Common name	Species name	Status¹	24 MAR	1 APR	Notes
Sierran treefrog	<i>Pseudacris sierra</i>		X		Calls widespread
Western fence lizard	<i>Sceloporus occidentalis</i>		X		Levee
Canada goose	<i>Branta canadensis</i>		X		Entered site in evening
Wood duck	<i>Aix sponsa</i>		X	X	Pair along River
Mallard	<i>Anas platyrhynchos</i>		X		Flew over walnuts, Riparian
Common merganser	<i>Mergus merganser</i>		X		Females on River
California quail	<i>Callipepla californica</i>		X		Covey
Wild turkey	<i>Meleagris gallopavo</i>		X	X	Tracks
Eurasian collared-dove	<i>Streptopelia decaocto</i>	Non-native	X		One at edge
Mourning dove	<i>Zenaida macroura</i>		X		Pairs throughout
Anna's hummingbird	<i>Calypte anna</i>		X	X	Pair at elderberry
Killdeer	<i>Charadrius vociferus</i>		X		"Ditch"
Greater yellowlegs	<i>Tringa melanoleuca</i>		X	X	Calls
Long-billed dowitcher	<i>Limnodromus scolopateus</i>			X	Flock overflight
Double-crested cormorant	<i>Nannopterum auritum</i>	TWL	X		Flew along River
Great blue heron	<i>Ardea herodias</i>			X	Over walnuts and riparian
Turkey vulture	<i>Cathartes aura</i>	BOP	X	X	Walnuts, open field, Riparian
Osprey	<i>Pandion haliaetus</i>	TWL, BOP	X		Flew along River
Cooper's hawk	<i>Accipiter cooperii</i>	TWL, BOP	X	X	Oak by levee
Red-shouldered hawk	<i>Buteo lineatus</i>	BOP	X	X	Riparian
Swainson's hawk	<i>Buteo swainsoni</i>	CT, BOP		X	Pair in Riparian
Red-tailed hawk	<i>Buteo jamaicensis</i>	BOP	X	X	3 pairs
Great horned owl	<i>Bubo virginianus</i>	BOP		X	Riparian
American kestrel	<i>Falco sparverius</i>	BOP		X	Walnuts
Belted kingfisher	<i>Ceryle alcyon</i>		X		Riparian
Acorn woodpecker	<i>Melanerpes formicivorus</i>		X	X	Riparian
Downy woodpecker	<i>Dryobates pubescens</i>		X	X	Riparian
Nuttall's woodpecker	<i>Picooides nuttalli</i>	BCC	X	X	Riparian
Northern flicker	<i>Colaptes auratus</i>		X	X	Many pairs
Black phoebe	<i>Sayornis nigricans</i>		X		Walnuts, Levee

Common name	Species name	Status ¹	24 MAR	1 APR	Notes
Western kingbird	<i>Tyrannus verticalis</i>			X	Flew from walnuts to riparian
California scrub-jay	<i>Aphelocoma californica</i>		X	X	Throughout site
American crow	<i>Corvus brachyrhynchos</i>		X		Walnuts, Riparian
Yellow-billed magpie	<i>Pica nuttalli</i>	BCC	X		Oak by levee
Cedar waxwing	<i>Bombycilla cedrorum</i>			X	Riparian
Bewick's wren	<i>Thryomanes bewickii</i>			X	Riparian
House wren	<i>Troglodytes aedon</i>			X	Riparian
Oak titmouse	<i>Baeolophus inornatus</i>	BCC	X	X	Riparian
Tree swallow	<i>Tachycineta bicolor</i>		X	X	Riparian
Barn swallow	<i>Hirundo rustica</i>			X	Walnuts, Riparian
Bushtit	<i>Psaltriparus minimus</i>		X		Riparian
Ruby-crowned kinglet	<i>Regulus calendula</i>		X		Riparian
Red-breasted nuthatch	<i>Sitta canadensis</i>		X		Riparian
White-breasted nuthatch	<i>Sitta carolinensis</i>		X	X	Riparian
Northern mockingbird	<i>Mimus polyglottos</i>		X	X	Oaks by levee
European starling	<i>Sturnus vulgaris</i>	Non-native	X		Riparian
Western bluebird	<i>Sialia mexicana</i>		X		Riparian
Hermit thrush	<i>Catharus guttatus</i>			X	Riparian
American robin	<i>Turdus migratorius</i>		X		Riparian
Pine siskin	<i>Spinus pinus</i>			X	Riparian
House finch	<i>Haemorphous mexicanus</i>		X		Walnuts, Riparian
American goldfinch	<i>Spinus tristis</i>			X	Riparian
Lesser goldfinch	<i>Spinus psaltria</i>			X	Riparian
House sparrow	<i>Passer domesticus</i>	Non-native		X	Riparian
Modesto song sparrow	<i>Melospiza melodia</i>	SSC3		X	Riparian
Golden-crowned sparrow	<i>Zonotrichia atricapilla</i>			X	Elderberry, Walnuts, Riparian
White-crowned sparrow	<i>Zonotrichia leucophrys</i>		X	X	By levee
Lincoln's sparrow	<i>Melospiza lincolni</i>		X	X	Levee
California towhee	<i>Melospiza crissalis</i>			X	Riparian
Spotted towhee	<i>Pipilo maculatus</i>		X	X	Riparian
Brown-headed cowbird	<i>Molothrus ater</i>		X		Riparian
Townsend's warbler	<i>Setophaga townsendi</i>			X	Riparian

Common name	Species name	Status ¹	24 MAR	1 APR	Notes
Orange-crowned warbler	<i>Leiothlypis celata</i>			X	Riparian
Yellow-rumped warbler	<i>Setophaga coronata</i>		X	X	Many in riparian, orchards
Broad-footed mole	<i>Scapanus latimanus</i>			X	Burrows in riparian
American beaver	<i>Ondatra zibethicus</i>			X	Tracks at River's edge
Western gray squirrel	<i>Sciurus griseus</i>		X	X	Riparian
California ground squirrel	<i>Otospermophilus beecheyi</i>		X	X	Burrows
Striped skunk	<i>Mephitis mephitis</i>		X		Tracks
Raccoon	<i>Procyon lotor</i>		X	X	Tracks
Coyote	<i>Canis latrans</i>		X	X	Levee
Mule deer	<i>Odocoileus hemionus</i>		X	X	Tracks
Bobcat	<i>Felis rufus</i>		X		Tracks
California vole	<i>Microtus californicus</i>		X		Many burrows, runways
Botta's pocket gopher	<i>Thomomys bottae</i>		X		Burrow systems

¹ Listed as FT or FE = federal threatened or endangered, CT or CE = California threatened or endangered, CFP = California Fully Protected (CFG Code 3511), SSC = California Species of Special Concern, BCC = U.S. Fish and Wildlife Service Bird of Conservation Concern, TWL = Taxa to Watch List (Shuford and Gardali 2008), and BOP = Birds of Prey (California Fish and Game Code 3503.5).



Photo 7. *A pair of Swainson's hawks on the Specific Plan Area, 1 April 2024.*

Photo 8.
*Male Cooper's hawk
splitting off
from a female
on the
Specific Plan
area, 1 April
2024.*





Photo 9. *A Cooper's hawk on the Specific Plan area, 24 February 2024. I encountered this Cooper's hawk in an oak just as soon as I began my survey.*



Shawn Smallwood

Photos 10 and 11.
Red-shouldered hawk flying to its nest, and later adding nest material to the nest, 1 April 2024.





Photos 12 and 13. Yellow-billed magpie (left) and acorn woodpecker on the Specific Plan area, 24 February 2024. Yellow-billed magpies are US Fish and Wildlife Service Birds of Conservation Concern.



Photos 14 and 15. Yellow-rumped warbler (left) and bushtit on the Specific Plan area, 24 February 2024. Both of these species are abundant on the Specific Plan area.



Photo 16. *One member of a pair of red-tailed hawks on the Specific Plan area, 24 February 2024. There were at least three pairs of red-tailed hawks in the early stages of nesting.*



Photo 17. *Pair of red-tailed hawks near their nest in riparian woodland growing out of what the DEIR refers to as a ditch.*



Photo 18. *One of many turkey vultures on the Specific Plan area, 24 February 2024. This one was feeding on whatever it was inside the tree cavity, otherwise known as an ecosystem service.*



Photos 19, 20. Common mergansers and Canada goose on the Specific Plan area.



Shawn Strallwood

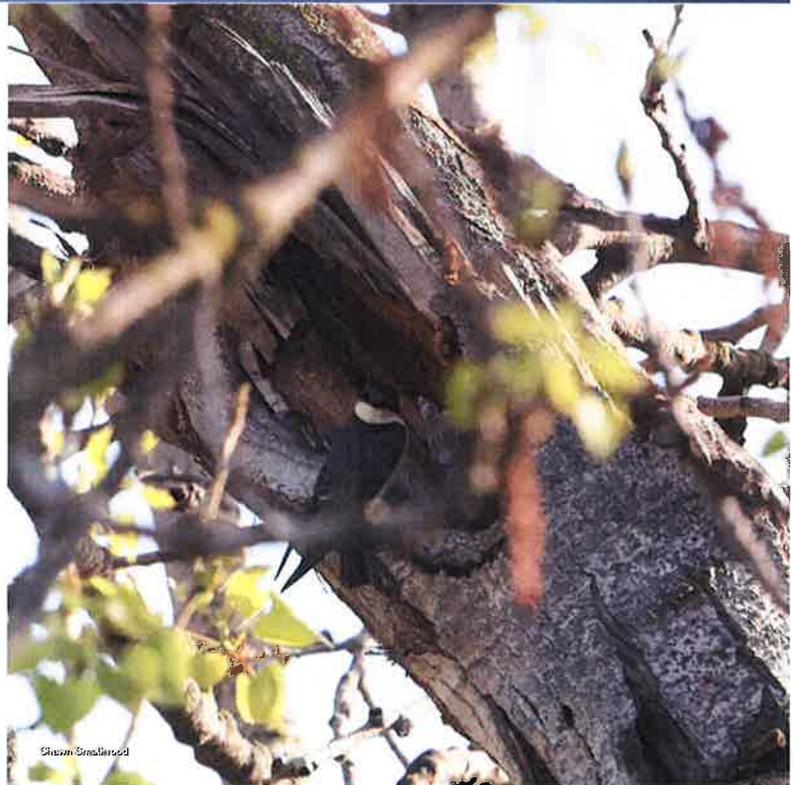
Photos 21 and 22.
One of many California scrub-jays on the Specific Plan area, 24 February 2024 (top), and another carrying nest material on 1 April 2024 (right).





Shawn Smallwood

Photos 23 and 24. Tree swallows struggling over nest territory (top) and a male at a nest site (right) on the Specific Plan area, 1 April 2024.



Shawn Smallwood



Shawn Smallwood

Photos 25 and 26. Western bluebird and double-crested cormorant on the Specific Plan area, 24 February 2024.





Photos 27 and 28. Mourning dove on the Specific Plan area, 24 February 2024 (top), and another on a walnut tree, 1 April 2024 (left).



Photos 29 and 30. Northern flicker and northern mockingbird on the Specific Plan area, 24 February 2024.



Photo 31. Oak titmouse on the Specific Plan Area, 1 April 2024.



Photo 32. *Anna's hummingbird atop blue elderberry on the Specific Plan Area, 1 April 2024.*



Photos 33 and 34. Golden-crowned sparrow on blue elderberry (top) and spotted towhee in riparian woodland on the Specific Plan Area, 1 April 2024.



Photo 35. House wren in riparian forest on the Specific Plan Area, 1 April 2024.

Photo 36. Western gray squirrel in riparian woodland on the Specific Plan Area, 1 April 2024.





Photo 37. *Lincoln's sparrow on the Specific Plan Area, 1 April 2024.*



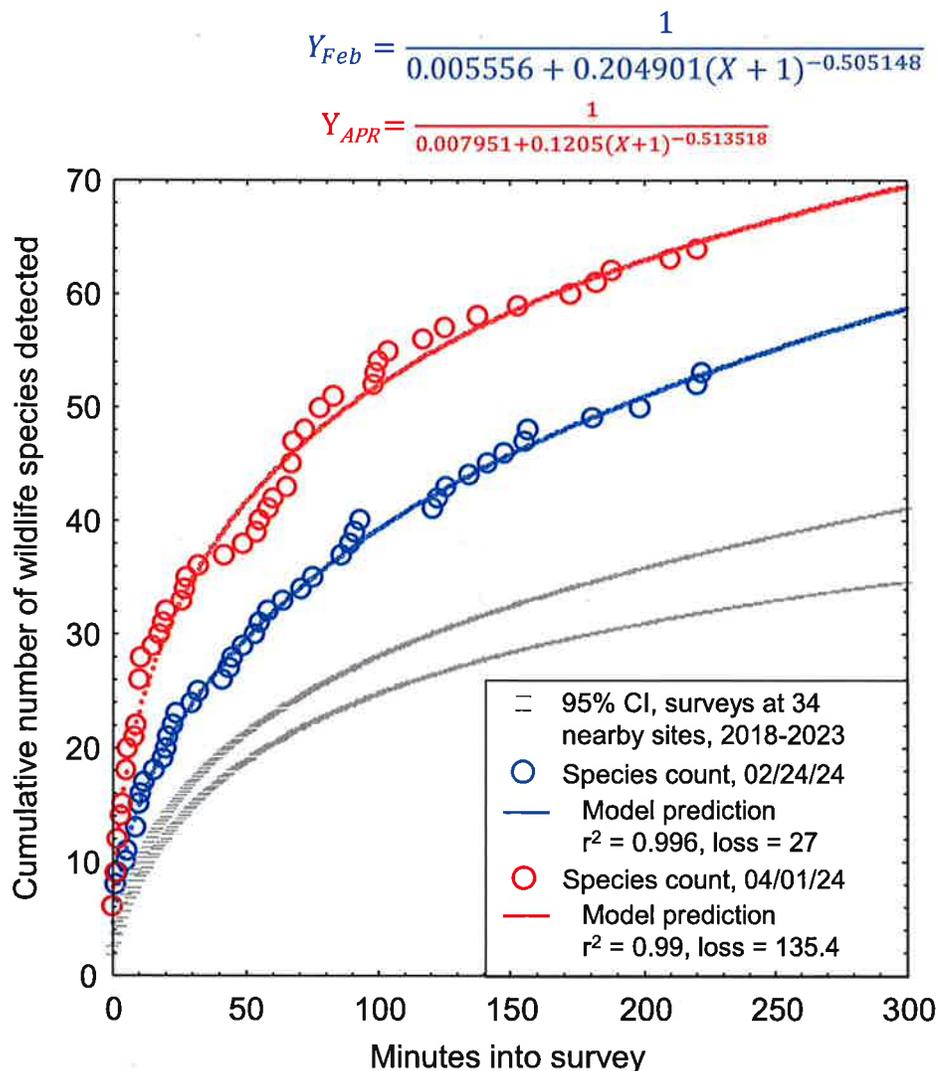
Photo 38. *White-crowned sparrow on blue elderberry on the Specific Plan Area, 1 April 2024.*



Photos 39 and 40. Nuttall's woodpecker on the Specific Plan Area, 1 April 2024 (top), and Wood ducks flying along Stanislaus River on the Specific Plan area, 24 February 2024. The male incessantly chased the female.

Although I saw 75 species of vertebrate wildlife during my two brief surveys, I must point out that the species of wildlife I detected on a small portion of the Specific Plan Area comprised only a sampling of the species that were present during my surveys. Reconnaissance surveys, such as the one I completed at the project site, cannot support species' absence determinations, but they can be useful for confirming presence of species. Such surveys can also be useful for estimating the number of species that were not detected, thereby revealing the degree to which the survey sampled the local wildlife community that was available at the time of the survey. One way to do this is to model the pattern in species detections with time into a survey. The cumulative number of species' detections increases with increasing survey time, but eventually with diminishing returns (Figure 1). In the case of my surveys on the Specific Plan Area, the patterns in the data predict that had I spent more time on site, or had I help from more biologists, I would have detected many more than the 53 species I detected on 24 February 2024 and the 64 species I detected on 1 April 2024. Based on diurnal visual-scan surveys continued through at least one year, the model fit to the February data predicts 180 species, and the model fit to the April data predicts 126 species.

Figure 1. Actual and predicted relationships between the number of vertebrate wildlife species detected and the elapsed survey time based on my surveys on the evening of 24 February (blue) and the morning of 1 April 2024 (red). Note that the relationships would differ if the surveys were based on another method or during another season.



The patterns in the data also indicate that my rate of species detections at the project site far exceeded the upper bound of the 95% confidence interval I estimated from 52 surveys at other project sites I have surveyed in the Sacramento-San Joaquin Valley since 2019 (Figure 1). In other words, wildlife species richness at the project site far exceeds the species richness I have found at other project sites in the region.

The site supports many species of wildlife, including many more than I could detect during a brief reconnaissance survey. However, although this modeling approach is useful for more realistically representing the species richness of the site at the time of a survey, it cannot represent the species richness throughout the year or across multiple years because many species are seasonal or even multi-annual in their movement patterns and in their occupancy of habitat. I surveyed only in winter, and therefore was unlikely to see some of the species that would use the site in spring, summer or fall.

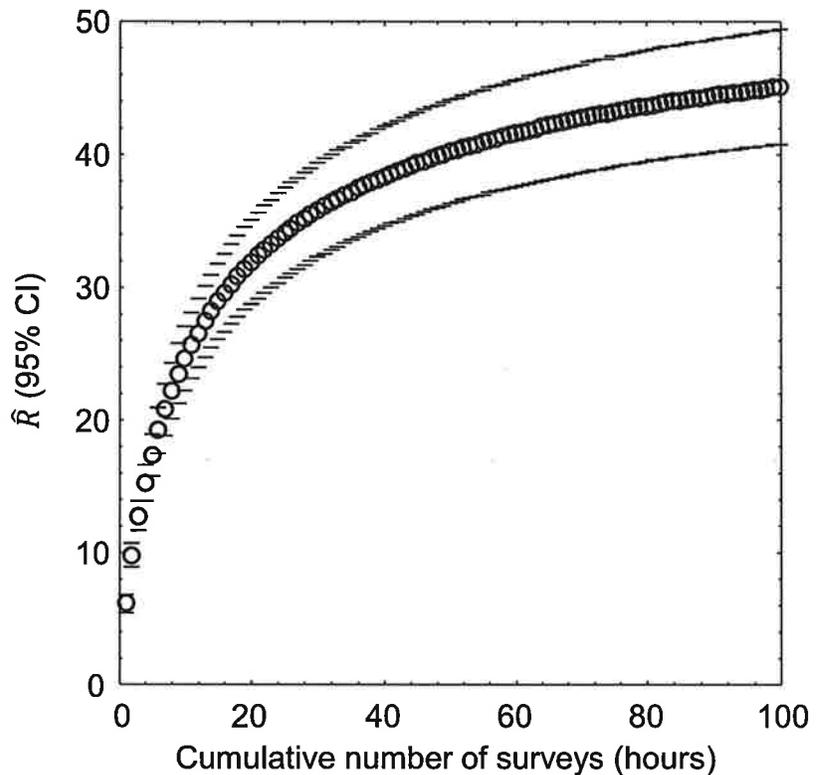
By use of an analytical bridge, I can apply a model developed from a much larger, more robust data set at a research site to predict the number of wildlife species that would make use of the project site over the longer term. As part of my research, I completed a much larger survey effort across 167 km² of annual grasslands of the Altamont Pass Wind Resource Area, Alameda County, where from 2015 through 2019 I performed 721 1-hour visual-scan surveys, or 721 hours of surveys, at 46 stations. I used binoculars and otherwise the methods were the same as the methods I used at the project site. At each of the 46 survey stations at my research site, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\hat{R} = \frac{1}{1/a+b \times (\text{Hours})^c}$, where \hat{R} represented cumulative species richness detected.

The models' coefficients of determination, r^2 , ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations. I also averaged model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 2). On average I detected 21.8 species over the first 7.75 hours of surveys in the Altamont Pass (7.75 hours to match the number of hours I surveyed at the project site), which composed 38.2% of the total predicted species I would detect with a much larger survey effort. Given the example illustrated in Figure 2, the 75 species I detected after my 7.75 hours of survey at the project site likely represented 38.2% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, I would likely detect $75/0.382 = 196$ species of vertebrate wildlife at the site. Assuming my ratio of special-status to non-special-status species was to hold through the detections of all 196 predicted species, then continued surveys would eventually detect 34 special-status species of vertebrate wildlife. To check on these predictions, I analytically bridged my

findings at the River Walk Specific Plan to a similar site I surveyed 41 times where a walnut orchard abuts riparian woodland along the American River in Rancho Cordova. I got the exact same prediction of 196 species if I was to continue surveys throughout a year or longer.

Figure 2. Mean (95% CI) predicted wildlife species richness, \hat{R} , as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019.



Again, however, my prediction of 196 species of vertebrate wildlife, including 34 special-status species, is derived from a visual-scan survey during the daytime, and would not detect nocturnal birds and mammals such as owls and bats. The true number of species composing the wildlife community of the site must be larger. One or two reconnaissance surveys should serve only as a starting point toward characterization of a site's wildlife community, but this level of effort certainly cannot alone inform of the inventory of species that use the site.

EXISTING ENVIRONMENTAL SETTING

The first step in analysis of potential project impacts to biological resources is to accurately characterize the existing environmental setting, including the biological species that use the site, their relative abundances, how they use the site, key ecological relationships, and known and ongoing threats to those species with special status. A reasonably accurate characterization of the environmental setting can provide the basis for determining whether the site holds habitat value to wildlife, as well as a baseline against which to analyze potential project impacts. For these reasons, characterization of the environmental setting, including the project site's regional setting, is one of CEQA's essential analytical steps. Methods to achieve this first step typically include (1) surveys of the site for biological resources, and (2) reviews of literature, databases and

local experts for documented occurrences of special-status species. In the case of the proposed project, these needed steps have not been completed.

Environmental Setting Informed by Field Surveys

To CEQA's primary objective to disclose potential environmental impacts of a proposed project, the analysis should be informed of which biological species are known to occur at the project site or nearby, which special-status species are likely to occur, as well as the limitations of the survey effort directed to the site. Analysts need this information to characterize the environmental setting as a basis for opining on, or predicting, potential project impacts to biological resources.

According to the DEIR (page 3.4-1), Steve McMurtry completed at least four reconnaissance-level surveys in December 2019 and in March, May and June 2020. In a reply communication to Osha Meserve, the City of Riverbank (Miguel Galvez email of 7 March 2024) reports that no technical report of the McMurtry's surveys has been prepared. Were the DEIR to include all of the technical data and reporting needed to achieve the public disclosure objective of CEQA, then the lack of a technical report from McMurtry would be of no consequence. However, the DEIR fails to disclose salient information, such as methodological details needed by the reader to determine whether McMurtry achieved the minimum plant survey standards of CDFW (2018), and such as the species of wildlife detected by McMurtry.

According to the DEIR's summary of McMurtry's surveys, his objectives were ambitious, including to establish existing conditions; to verify the findings of his desktop review; to identify habitat types, hydrologic features, topography, soils, and vegetation; to detect the presence of wildlife and the potential presence of wildlife; and to inspect for upland and aquatic habitat functions. The DEIR reports that his surveys were timed to detect breeding birds and amphibians, and active reptiles, and he reportedly recorded all signs of wildlife including tracks, and he followed CDFW's (2018) plant survey guidelines. However, to achieve all of the stated objectives, McMurtry would have needed to perform many hours of surveys over many days on the very large River Walk Specific Plan area, as well as the extended Sphere of Influence. The DEIR fails to report the dates McMurtry surveyed, at what times of day he began his surveys, and how long his surveys lasted. The reader of the DEIR is provided no information to ascertain whether or to what degree McMurtry could have achieved the stated objectives.

The DEIR does not report whether McMurtry surveyed reference sites for special-status species of plants, which is a key CDFW (2018) standard. Nor does the DEIR report key details needed to interpret the survey results, such as the survey start times and the survey durations. No explanation is reported of how McMurtry inspected or evaluated the site to document the site's potential to support special-status species. Did the biologist carry a checklist of resources needed by each special-status species? The DEIR fails to summarize McMurtry's qualifications for conducting the surveys for special-status species of plants and animals. In short, the DEIR neglects to report the most essential methodological details the reader needs to know in order to accurately interpret McMurtry's survey findings.

The DEIR does not report what McMurtry found on the Specific Plan study area. Although the DEIR reports some of the species “commonly seen” – whether by McMurtry or in general is unclear, there is no list of species that were detected. Nor is there any context provided within which the reader is able to interpret detections or lack of detections of wildlife and plant species in the Specific Plan area. There is no discussion of the detection probabilities associated with any of the special-status species that are typical of reconnaissance surveys.

I am concerned that the DEIR’s reporting insufficiently discloses wildlife and plant resources on the Specific Plan area and the expanded Sphere of Influence. Based on reporting in the DEIR, McMurtry surveyed 806.94 acres. This acreage was 80.9% of the Specific Plan area and 53% of the proposed added Sphere of Influence. In other words, McMurtry appears to have been denied access to nearly 20% of the Specific Plan area and to nearly half of the proposed new Sphere of Influence. According to the DEIR, the project applicant lacked control over the lands within the Sphere of influence but outside the Berghill Boundary. However, the DEIR provides no explanation for McMurtry’s lack of access to 190 acres on the Specific Plan area. Denial of access in this context would indicate commitments to prevent disclosure of sensitive resources, which would not be consistent with the spirit and intent of CEQA.

The DEIR explains that McMurtry attempted to mitigate for his lack of access to hundreds of acres within and outside the Berghill Boundary by using binoculars and a spotting scope to search for wildlife on the acreages to which he lacked access. However, the methods described cannot overcome the deficiency of lack of access, because the areas to which McMurtry was denied access are too large, and there were too many places and too many ways in which wildlife on the inaccessible properties could have evaded detection. I have performed hundreds of surveys from the perimeters of properties of proposed projects, some of which I also gained full access. I can therefore attest to the large differences in detection probabilities between full access and only peripheral visual-scan access. Full access vastly improves the detection probabilities associated with reptiles and amphibians, as well as with mammals that typically leave less visible sign (burrows, tracks, scats) around a property’s periphery. Many birds are also more readily detectable from on-site, such as burrowing owl, long-eared owl, yellow warbler and willow flycatcher. Without accessing properties, McMurtry was unlikely to detect Crotch’s bumble bee, western bumble bee, Monarch, valley elderberry longhorn beetle nor any other special-status species of arthropod, as not even a spotting scope would have improved McMurtry’s chances with such small animals.

For no special-status species was a protocol-level detection survey completed. Even though there was cause to expect the presence of special-status species including, but not limited to, valley elderberry longhorn beetle, Swainson’s hawk, giant gartersnake, burrowing owl, tricolored blackbird, western and Crotch’s bumble bees, monarch and other special-status species, no detection surveys were conducted. Instead, the DEIR reports that preconstruction take-avoidance surveys would be completed prior to construction of each village. Preconstruction take-avoidance surveys do not provide anywhere close to the same detection probabilities as do detection surveys, because such

surveys are initiated only if construction commences within specific times of the year (see the mitigation measures for timing details), they are constrained to narrow date-ranges, and they are not performed to the same standards of effort. By deferring surveys to the time of construction of each village, the DEIR effectively skips detection surveys altogether, and only pretends that preconstruction, take-avoidance surveys are detection surveys. This flawed approach fails to disclose the potential impacts of the project on biological resources, and fails to protect the species at the time of construction as well, because these species are generally the most difficult to detect and are least likely to be detected by preconstruction surveys due to the weaker protocols and timing of these types of surveys. Implementing preconstruction surveys as surrogates for detection surveys is therefore inadequate mitigation.

Environmental Setting Informed by Desktop Review

The purpose of literature and database review, and of consulting with local experts, is to inform the reconnaissance-level survey, to augment it, and to help determine which protocol-level detection surveys should be implemented. Analysts need this information to identify which species are known to have occurred at or near the project site, and to identify which other special-status species could conceivably occur at the site due to geographic range overlap and site conditions. This step is important because the reconnaissance survey is not going to detect all of the species of wildlife that make use of the site. This step can identify those species yet to be detected at the site but which have been documented to occur nearby or whose available habitat associations are consistent with site conditions. Some special-status species can be ruled out of further analysis, but only if compelling evidence is available in support of such determinations (see below).

The City of Riverbank, Development Services Department's Contract City Planner, Mr. Miguel Galvez, provided *supplemental* information in the form of a record search which contained two documents, a two-page California Natural Diversity Data Base (CNDDDB) database query (5 January 2022) and the automated US Fish and Wildlife Service (USFWS) report: "List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project," dated January 5, 2022. These standard documents are designed to inform project applicants regarding potential species that may occupy the locale, and their status at the time of data request. These documents are not intended to be definitive species or habitat descriptors. Indeed, the USFWS document suggests on page 2 that a Biological Assessment or biological evaluation "be prepared to determine whether the project may effect listed or proposed species and/or designated or proposed critical habitat." No Biological Assessment or biological evaluation was provided.

Looking more closely at the CNDDDB report, it states specifically at the bottom of each page: Information Expires 7/1/2022. The use of expired information led to a chain of defective analyses, starting with the misrepresentation of the legal status of two species of bumble bees on DEAR pages 3.4-34 and 35. The species' status was in review in 2021 and updated by the State on 30 September 2022, long before the 2024 DEIR. The 2024 DEIR (p. 3.4-35) erroneously states, that the bees "are not specifically protected under

state or federal law.“ This is incorrect. (<https://wildlife.ca.gov/Data/CNDDDB/News/updates-to-the-legal-status-of-bumble-bees-in-california#gsc.tab=0>)

According to the DEIR, the initial pool of special-status species considered for inclusion in its analysis of occurrence potential was drawn from queries of CNDDDB occurrence records on the local 7.5-minute Quadrangle and the eight surrounding Quads. This screening step, however, is flawed. CNDDDB is not designed to support absence determinations or to screen out species from characterization of a site’s wildlife community. As noted by CNDDDB, *“The CNDDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present.”* The DEIR misuses CNDDDB.

CNDDDB relies entirely on volunteer or permit reporting from biologists who were allowed access to whatever properties they report from. Many properties have never been surveyed by biologists. Many properties have been surveyed, but the survey outcomes never reported to CNDDDB. Many properties have been surveyed multiple times, but not all survey outcomes reported to CNDDDB. Furthermore, CNDDDB is interested only in the findings of special-status species, which means that species more recently assigned special status will have been reported many fewer times to CNDDDB than were species assigned special status since CNDDDB’s inception. The lack of CNDDDB records for species only recently assigned special status would have been due to insufficient time having elapsed since the assignments. And because negative findings are not reported to CNDDDB, CNDDDB cannot provide the basis for estimating occurrence likelihoods, either. The DEIR’s analysis of special-status species occurrence likelihoods is fundamentally flawed.

In my assessment based on database reviews and a site visit, 101 special-status species of wildlife are known to occur near enough to the site to be analyzed for occurrence potential at one time or another (Table 2). Of these, 13 (13%) were confirmed on the site by my survey visit, and 27 (27%) have been documented in databases within 1.5 miles of the site (‘Very close’), 11 (11%) within 1.5 and 4 miles (‘Nearby’), and another 40 (40%) within 4 to 30 miles (‘In region’). Half (51) of the special-status species in Table 2 have been reportedly seen within 4 miles of the project site. The site therefore likely supports many special-status species of wildlife. On any given day, one or more yet-to-be documented special-status species likely make use of the project site, but being there to document that use probably requires multiple surveys (see Figures 1 and 2). Reconnaissance surveys are not designed to support absence determinations of any of these species. Therefore, sufficient survey effort should be directed to the site to either confirm that the species in Table 2 use the site or to support absence determinations.

The DEIR analyzes occurrence likelihoods of only 24 of the special-status species of wildlife in my Table 2. Of these, the DEIR determines 4 are absent, 9 have potential to occur, 1 has limited habitat on site (unsure what this means), habitat exists for six, and four are commonly seen. However, of the four determined to be absent, occurrence

records of one are nearby. Of the six determined to potentially occur, the occurrence records of one are very close.

Of the 77 special-status species whose occurrence likelihoods are not analyzed in the DEIR, ten have been documented on the Specific Plan area, 23 have been documented within 1.5 miles, seven have been documented between 1.5 and 4 miles, and 34 have been documented between 4 and 30 miles. The DEIR neglects to analyze the occurrence likelihoods of nine special-status species that actually occur, as well as 68 others that likely occur on the River Walk Specific Plan area. The DEIR is inadequate.

In addition to inadequate analysis, the DEIR is misleading on numerous points. For example, the DEIR (3.4-35) says the special-status species of bumble bees “are not specifically protected under state or federal law.” To the contrary, western bumble bee and Crotch’s bumble bee are candidate Endangered species under the California Endangered Species Act. Candidate species are protected to the same degree as species listed as Threatened or Endangered (see Fish & Game Code section 2052.1). They are also special-status species under CEQA.

The DEIR attempts to downplay the Specific Plan’s potential impacts to western bumble bee by attributing its decline to a parasite and to honeybees. However, the Xerxes society also identifies habitat loss and pesticide use (<https://xerxes.org/endangered-species/species-profiles/at-risk-bumble-bees/western-bumble-bee>) as causes for the decline. If western bumble bee occurs on the Specific Plan area, then habitat loss caused by the development of the River Walk Specific Plan could contribute substantially to the extirpation of western bumble bee.

The DEIR (p. 3.4-36) claims that habitat for the three special-status species of bumble bee would be created by yards of new homes, parks, and along the river corridor. However, the river corridor would not create new habitat because the river corridor already exists. As for yards and parks, the DEIR provides no evidence that yards or parks have ever provided habitat to the three special-status species of bumble bee at issue. Frankly, the DEIR’s claim is ridiculous.

The DEIR (Table 3.4-7) asserts that Molestan blister beetle is absent from the site, but the DEIR presents no evidence in support of this assertion. The argument that is provided is conclusory. In reality, next to nothing is known of the habitat of Molestan blister beetle, other than it occurs in grassland and woodland, but of which are present on the Specific Plan area.

The DEIR (p. 3.4-39) downplays the likelihood of occurrence of giant gartersnake by pointing out the lack of CNDDDB records in Stanislaus County, with the nearest CNDDDB record being 143 miles north, and the fact that CDFW did not mention this species in its 2021 letter in response to the NOP. Whether CNDDDB records exist or whether CDFW mentioned the species in its letter in response to the NOP is irrelevant in either case. As I commented earlier, CNDDDB is a positive-sighting data base, and therefore cannot be used in support of absence determinations. Moreover, CDFW’s letters are not the determiners of which species need to be considered for analysis in an EIR.

Table 2. Occurrence likelihoods of special-status bird species at or near the proposed project site, according to eBird/iNaturalist records (<https://eBird.org>, <https://www.inaturalist.org>) and on-site survey findings, where 'Very close' indicates within 1.5 miles of the site, 'nearby' indicates within 1.5 and 4 miles, and 'in region' indicates within 4 and 30 miles, and 'in range' means the species' geographic range overlaps the site. DEIR entries are possible = "potentially present," habitat = "habitat present," absent = "not present." Entries in bold font identify species I observed.

Common name	Species name	Status ¹	Occurrence potentials	
			DEIR	Data base records, Site visits
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	FT	Possible	Very close (DEIR)
Monarch	<i>Danaus plexippus</i>	FC	Absent	Nearby
Crotch's bumble bee	<i>Bombus crotchii</i>	CCE	Possible	In region
Western bumble bee	<i>Bombus occidentalis</i>	CCE	Possible	In range
California tiger salamander	<i>Ambystoma californiense</i>	FT, CT, WL	Absent	Coast, northern central valley
Western spadefoot	<i>Spea hammondi</i>	SSC	Absent	In region
Northern legless lizard	<i>Anniella pulchra</i>	SSC	Absent	In region
Western pond turtle	<i>Emys marmorata</i>	SSC	Habitat	In region
Giant gartersnake	<i>Thamnophis gigas</i>	FT, CT	Habitat	In region
Brant	<i>Branta bernicla</i>	SSC2	In region	In region
Cackling goose (Aleutian)	<i>Branta hutchinsii leucopareia</i>	WL	Habitat	Nearby
Redhead	<i>Aythya americana</i>	SSC2		Very close
Barrow's goldeneye	<i>Bucephala islandica</i>	SSC		Very close
Western grebe	<i>Aechmophorus occidentalis</i>	BCC		Very close
Clark's grebe	<i>Aechmophorus clarkii</i>	BCC		Nearby
Western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	FT, CE, BCC		In region
Black swift	<i>Cypseloides niger</i>	SSC3, BCC		In region
Vaux's swift	<i>Chaetura vauxi</i>	SSC2, BCC		Very close
Costa's hummingbird	<i>Calypte costae</i>	BCC		Very close
Rufous hummingbird	<i>Selasphorus rufus</i>	BCC		Very close
Allen's hummingbird	<i>Selasphorus sasin</i>	BCC		In region

Common name	Species name	Status ¹	Occurrence potentials	
			DEIR	Data base records, Site visits
Lesser sandhill crane	<i>Antigone canadensis canadensis</i>	SSC3		In region
Greater sandhill crane	<i>Antigone canadensis tabida</i>	CT, FP		In region
American avocet ²	<i>Recurvirostra americana</i>	BCC		Very close
Mountain plover	<i>Charadrius montanus</i>	SSC2, BCC		In region
Snowy plover	<i>Charadrius nivosus</i>	BCC		In region
Whimbrel ²	<i>Numenius phaeopus</i>	BCC		In region
Long-billed curlew	<i>Numenius americanus</i>	WL		Very close
Marbled godwit	<i>Limosa fedoa</i>	BCC		In region
Red knot (Pacific)	<i>Calidris canutus</i>	BCC		In region
Short-billed dowitcher	<i>Limnodromus griseus</i>	BCC		In region
Willet	<i>Tringa semipalmata</i>	BCC		In region
Laughing gull	<i>Leucophaeus atricilla</i>	WL		In region
Western gull	<i>Larus occidentalis</i>	BCC		In region
California gull	<i>Larus californicus</i>	BCC, WL		Very close
Black tern	<i>Chlidonias niger</i>	SSC2, BCC		In region
Common loon	<i>Gavia immer</i>	SSC		In region
Double-crested cormorant	<i>Phalacrocorax auritus</i>	WL		On site
American white pelican	<i>Pelecanus erythrorhynchos</i>	SSC1, BCC		Very close
California brown pelican	<i>Pelecanus occidentalis californicus</i>	FP		In region
Least bittern	<i>Ixobrychus exilis</i>	SSC2		In region
White-faced ibis	<i>Plegadis chihi</i>	WL		Very close
Turkey vulture	<i>Cathartes aura</i>	BOP		On site
Osprey	<i>Pandion haliaetus</i>	WL, BOP		On site
White-tailed kite	<i>Elanus leucurus</i>	CFP, BOP	Common	Nearby
Golden eagle	<i>Aquila chrysaetos</i>	BGEPA, CFP, BOP, WL		Nearby
Northern harrier	<i>Circus cyaneus</i>	BCC, SSC3, BOP	Common	Very close
Sharp-shinned hawk	<i>Accipiter striatus</i>	WL, BOP		Very close

Common name	Species name	Status ¹	Occurrence potentials	
			DEIR	Data base records, Site visits
Cooper's hawk	<i>Accipiter cooperii</i>	WL, BOP		On site
Bald eagle	<i>Haliaeetus leucocephalus</i>	CE, BGEPA, BOP		Very close
Red-shouldered hawk	<i>Buteo lineatus</i>	BOP		On site
Swainson's hawk	<i>Buteo swainsoni</i>	CT, BOP	Habitat	On site
Red-tailed hawk	<i>Buteo jamaicensis</i>	BOP	Common	On site
Ferruginous hawk	<i>Buteo regalis</i>	WL, BOP		Nearby
Rough-legged hawk	<i>Buteo lagopus</i>	BOP		In region
Barn owl	<i>Tyto alba</i>	BOP		Very close
Western screech-owl	<i>Megascops kennicotti</i>	BOP		Nearby
Great horned owl	<i>Bubo virginianus</i>	BOP		On site
Burrowing owl	<i>Athene cucularia</i>	BCC, SSC2, BOP	Habitat	Very close (DEIR)
Long-eared owl	<i>Asio otus</i>	BCC, SSC3, BOP		In region
Short-eared owl	<i>Asia flammeus</i>	BCC, SSC3, BOP		In region
Lewis's woodpecker	<i>Melanerpes lewis</i>	BCC		Very close
Nuttall's woodpecker	<i>Picoides nuttalli</i>	BCC		On site
American kestrel	<i>Falco sparverius</i>	BOP	Common	On site
Merlin	<i>Falco columbarius</i>	WL, BOP		Very close
Peregrine falcon	<i>Falco peregrinus</i>	BOP		Very close
Prairie falcon	<i>Falco mexicanus</i>	WL, BOP		In region
Olive-sided flycatcher	<i>Contopus cooperi</i>	BCC, SSC2		Very close
Willow flycatcher	<i>Empidonax trailii</i>	CE		Nearby
Vermilion flycatcher	<i>Pyrocephalus rubinus</i>	SSC2		In region
Loggerhead shrike	<i>Lanius ludovicianus</i>	SSC2		Nearby
Yellow-billed magpie	<i>Pica nuttalli</i>	BCC		On site
Oak titmouse	<i>Baeolophus inornatus</i>	BCC		On site
California horned lark	<i>Eremophila alpestris actia</i>	WL		Nearby
Bank swallow	<i>Riparia riparia</i>	CT		In region
Purple martin	<i>Progne subis</i>	SSC2		In region

Common name	Species name	Status ¹	Occurrence potentials	
			DEIR	Data base records, Site visits
Wrentit	<i>Chamaea fasciata</i>	BCC		Very close
California thrasher	<i>Toxostoma redivivum</i>	BCC		In region
Cassin's finch	<i>Haemorhous cassinii</i>	BCC		In region
Lawrence's goldfinch	<i>Spinus lawrencei</i>	BCC		Very close
Grasshopper sparrow	<i>Ammodramus savannarum</i>	SSC2		In region
Modesto song sparrow	<i>Melospiza melodia mailliardi</i>	SSC3		On site
Bell's sparrow	<i>Amphispiza b. belli</i>	WL		In region
Oregon vesper sparrow	<i>Poocetes gramineus affinis</i>	SSC2, BCC		In range
Yellow-breasted chat	<i>Icteria virens</i>	SSC3	Habitat	Very close
Yellow-headed blackbird	<i>Xanthocephalus xanthocephalus</i>	SSC3		Very close
Bullock's oriole	<i>Icterus bullockii</i>	BCC		Very close
Tricolored blackbird	<i>Agelaius tricolor</i>	CT, BCC, SSC1	Limited habitat	Nearby
Lucy's warbler	<i>Leiothlypis luciae</i>	SSC3, BCC		In region
Virginia's warbler	<i>Leiothlypis virginiae</i>	WL, BCC		In region
Yellow warbler	<i>Setophaga petechia</i>	SSC2		Very close
Summer tanager	<i>Piranga rubra</i>	SSC1		In region
Pallid bat	<i>Antrozous pallidus</i>	SSC, WBWG:H	Possible	In range
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	SSC, WBWG:H	Possible	In range
Western mastiff bat	<i>Eumops perotis californicus</i>	SSC, WBWG:H	Possible	In range
Western red bat	<i>Lasiurus blossevillii</i>	SSC, WBWG:H	Possible	In region
Hoary bat	<i>Lasiurus cinereus</i>	WBWG:M	Possible	In range
Western small-footed myotis	<i>Myotis ciliolabrum</i>	WBWG:M		Throughout CA
Little brown myotis	<i>Myotis lucifugus</i>	WBWG:M		In range
Yuma myotis	<i>Myotis yumanensis</i>	WBWG:LM	Possible	In range
American badger	<i>Taxidea taxus</i>	SSC		In region

¹ Listed as FT or FE = federal threatened or endangered, FC = federal candidate for listing, BCC = U.S. Fish and Wildlife Service Bird of Conservation Concern, CT or CE = California threatened or endangered, CCT or CCE = Candidate

California threatened or endangered, CFP = California Fully Protected (California Fish and Game Code 3511), SSC = California Species of Special Concern (not threatened with extinction, but rare, very restricted in range, declining throughout range, peripheral portion of species' range, associated with habitat that is declining in extent), SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively (Shuford and Gardali 2008), WL = Taxa to Watch List (Shuford and Gardali 2008), and BOP = Birds of Prey (CFG Code 3503.5), and WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H).

² Uncertain if BCC based on 2021 Bird of Conservation Concern list.

Many of the DEIR's characterizations of wildlife are inaccurate, and hence the DEIR inaccurately discloses information about wildlife to the public. For example, whereas Ferruginous hawks are said to nest in the region (DEIR p. 3.4-47), the species is actually a winter migrant to the region and it nests far to the north. Whereas the DEIR says the Central Valley population of Swainson's hawk migrates to central and south America (DEIR p. 3.4-47), the Swainson's hawk actually migrates to another part of North America, i.e., Mexico. Whereas the DEIR reports that orchard trees are not appropriate nest trees for Swainson's hawk (DEIR p. 3.4-47), I have documented Swainson's hawks nesting in walnuts. The DEIR provides a map of potential Swainson's hawk nesting sites in the River Walk Specific Plan area, but neglects to include any of the oaks and other large trees that grow along the ditches and orchard edges interior to the mapped polygon intended to represent the species' potential nest area. The map is based on no data; nor is the map based on protocol-level detection surveys because no such surveys have been completed.

The DEIR (p. 3.4-43) reports misleadingly on many aspects of burrowing owl natural history and conservation status. Whereas the DEIR reports that CDFW protects burrowing owl due to the species' decline in the Central Valley, it actually does so due to its statewide status. Whereas the DEIR reports that burrowing owls reside in abandoned ground squirrel burrows, they actually reside in burrow systems that are concurrently occupied by ground squirrels, a species whose presence benefits burrowing owls and is mutually benefitted by the presence of burrowing owls through mutual vigilance for predators. The DEIR opines on the low availability of high-quality burrowing owl foraging habitat on the Specific Plan area, speculating wildly about how certain growth stages of field crops might impede foraging success of burrowing owls. No evidence is cited in support of any of this speculation. A particular growth phase of watermelon production is not going to thwart occupancy by burrowing owls, nor would the temporary period of tall vegetation of any kind (Smallwood and Morrison 2018).

The DEIR (p. 3.4-44) claims that the levee lacks small mammal burrows, making it less ideal for burrowing owl foraging. However, I saw evidence of numerous small mammals on the levee. I found burrows of ground squirrels, Botta's pocket gophers and California voles. I saw numerous vole runways through the grass on the levee. The DEIR's characterization of the levee does not comport with what I saw.

The DEIR (p. 3.4-44) reports that McMurtry saw no burrowing owls on the Specific Plan area, but this reporting can be factual while also pseudoscientific. Reconnaissance surveys are not detection surveys, and McMurtry did not come close to meeting the minimum survey standards of CDFW (2012). It is irrelevant that McMurtry saw no burrowing owls.

The DEIR (p. 3.4-44) reports that although California ground squirrel burrows exist on the Specific Plan area, none of the burrows were large enough to support burrowing owls. I have yet to discover ground squirrel burrows too small to support burrowing owls. One ground squirrel burrow I happened to notice due to the placement of a poison bait dispenser next to it (Photo 41) was certainly large enough to support burrowing owls. What the DEIR reports is not true. Furthermore, it is not believable that

McMurtry examined every ground squirrel burrow that occurs on the 1,522-acre extended Sphere of Influence. Even had he examined all of the burrows, burrowing owls do not always leave sign at the burrows in which they nest, or at least not early during the nesting season.



Photo 41. Ground squirrel burrow (left side of photo) next to a poison bait dispenser on the project site. The burrow is large enough for burrowing owls.

The DEIR (p. 3.4-44) asserts that the River Walk Specific Plan would no direct impact on burrowing owls, but that it would have an indirect impact on burrowing owl habitat. However, the loss of habitat is a direct impact on burrowing owls. Habitat is defined as that part of the environment that is used by a species (Hall et al. 1997). Therefore, loss of habitat is directly translatable to loss of individuals, because the environment's capacity to support those individuals is eliminated. It is just this type of conclusion in CEQA review documents throughout California that has resulted in a statewide rapid decline of burrowing owls. A petition to list burrowing owls under the California Endangered Species Act was submitted to the California Fish and Game Commission on the day I prepared these comments, 5 March 2024. The DEIR needs to be withdrawn from public circulation and revised after the completion of appropriate surveys.

POTENTIAL BIOLOGICAL IMPACTS

An impacts analysis should consider whether and how the proposed project would affect members of a species, larger demographic units of the species, the whole of a species, and ecological communities. In the following I introduce three types of impacts likely to result from the project, and which need to be analyzed in a revised DEIR.

PRODUCTIVE CAPACITY REDUCED BY HABITAT LOSS

The River Walk Specific Plan would contribute substantially to habitat fragmentation, which poses serious problems to wildlife in the region. Habitat fragmentation and

habitat loss have been recognized as the most likely leading causes of a documented 29% decline in overall bird abundance across North America over the last 48 years (Rosenberg et al. 2019). Habitat loss not only results in the immediate numerical decline of wildlife, but it also results in permanent loss of productive capacity. Habitat fragmentation multiplies the negative effects of habitat loss on the productive capacities of biological species (Smallwood 2015). None of these impacts, however, are specifically addressed in the DEIR. I did not see that the term, habitat fragmentation, is mentioned in the DEIR. Likewise, the loss of productive capacity is not discussed at all in the DEIR.

In the case of birds, two methods exist for estimating the loss of productive capacity that would be caused by the project. One method would involve surveys to count the number of bird nests and chicks produced. The alternative method is to infer productive capacity from estimates of total nest density elsewhere. Two study sites in grassland-wetland-woodland complexes had total bird nesting densities of 32.8 and 35.8 nests per acre (Young 1948, Yahner 1982). I averaged these estimates with my own estimate of total nest density from 1.32 acres of riparian woodland at a Rancho Cordova study site that I surveyed 30 times throughout the breeding season of 2023, and where I found a total nest density of 28.79 nest sites/acre. Against the acreages of the River Walk Specific Plan area and the proposed extended Sphere of Influence, I multiplied total nests per acre estimated at other study sites and adjusted by assumed differences in total nest density on landscape elements for which such estimates are unavailable (Table 3). I estimate the River Walk Specific Plan area supports 14,547 nest sites, and the Sphere of Influence supports 21,783 nest sites.

The loss of 14,547 nest sites on the River Walk Specific Plan area and of 21,783 nest sites on the Sphere of Influence would qualify as significant and very substantial project impacts, which are not specifically analyzed in the DEIR. However, the impact does not end with the immediate loss of nest sites as nest substrate is removed and foraging grounds graded in preparation for impervious surfaces, and in the case of the riparian woodland, by loss of foraging areas on the agricultural lands and by the intrusion of the riparian woodland by people, dogs, and feral cats as well as by urban noise and light pollution. The reproductive capacity of the agricultural area would be lost, and that of the riparian woodland vastly diminished. 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 thousands of fledglings per year. Assuming an average bird generation time of 5 years, the lost capacity of both breeders and annual fledgling production can be estimated from an equation in Smallwood (2022): $\{(nests/year \times chicks/nest \times number\ of\ years) + (2\ adults/nest \times nests/year) \times (number\ of\ years \div years/generation)\} \div (number\ of\ years) = 47,439$ **birds per year denied to California from the River Walk Specific Plan area, and 71,142 birds per year from the Sphere of Influence should the SOI be built out.** The impact of these losses of avian productivity would be significant, but they are not considered in the DEIR. The DEIR needs to be revised, and then recirculated for another public review.

Table 3. Acreages of landscape elements in the River Walk Specific Plan area (SP) and in the extended Sphere of Influence (SI), and estimated numbers of avian nest sites based on total nest densities estimated elsewhere and adjusted by certain assumptions.

Landscape element	Acres		Nests/ac	Source ^a	Nest sites	
	SP	SOI			SP	SOI
Riparian, Riverine, Wetland	27.38	33.58	32.46	1, 2	889	1,090
Orchards, vineyards	922.31	1398.58	14.38	2	13,263	20,112
Annual grassland	8.89	8.89	2.92	2, 3	26	26
Rural residential ^b	16.1	21.11	10.63 ^c	2	342	449
Perennial field crops	4.48	42.69	2	2, 3, 4	9	85
Annual field crops	18.01	21.1	1	2, 3, 5	18	21
Total					14,547	21,783

^a 1 = Young (1948), Yahner (1982), 2 = K. S. Smallwood unpublished data from 2023 study in Rancho Cordova, California, 3 = Noriko Smallwood unpublished data from 2023 study in annual grassland of the San Joaquin Wildlife Area, California, 4 = assumed lower nest density compared to annual grassland, 5 = assumed half the nest density of perennial field crops.

^b The DEIR categorizes rural residential homes as urban, but urban typifies higher densities in planned communities.

^c I halved my urban edge estimate from the Rancho Cordova site to account for the portion of residential lots that was covered by the combination of lawn and impervious surfaces that were unsuitable for nesting.

INTERFERENCE WITH WILDLIFE MOVEMENT

One of CEQA’s principal concerns regarding potential project impacts is whether a proposed project would interfere with wildlife movement in the region. However, the DEIR does not seriously address the question of whether the project would interfere with wildlife movement. This lack of attention to wildlife movement in the region is especially surprising considering the research and planning effort that was undertaken to improve habitat connectivity in the area around the City of Riverbank about 15 years ago (Huber et al. 2010). With help from Riverbank’s community development director, James Hightower, as well as from California Department of Fish and Wildlife and California Department of Transportation, a serious research and planning effort was directed toward noting the existing levels of connectivity and where and how improvements to connectivity should be prioritized. The study focused on four target species of wildlife (mule deer, bobcat, San Joaquin pocket mouse, western pond turtle), but also noted additional special-status species known to occur in the area. And the study encompassed the River Walk Specific Plan area, it noted this area’s contribution to the intactness of habitat of the two of the target species (San Joaquin pocket mouse and western pond turtle).

On the question of whether the proposed project would interfere with wildlife movement in the region, the DEIR reports that no documented wildlife corridors or wildlife nursery sites were identified by CNDDDB. This finding is misleading. CNDDDB is not a repository of records that would identify wildlife corridors. As noted earlier, CNDDDB warns, “*The CNDDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation*

that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present.” Furthermore, CNDDDB is not where one should go to find information about where wildlife movement might be concentrated. A better resource might be Biogeographic Information Observation System (BIOS: <https://apps.wildlife.ca.gov/bios6/?bookmark=648>). Another resource to visit would be Huber et al. (2010, 2011), which were developed in and around the City of Riverbank with the help of Riverbank’s community development director, James Hightower. In fact, the findings of Huber et al. (2010) are available in map form on the BIOS viewer (Figures 3 and 4).

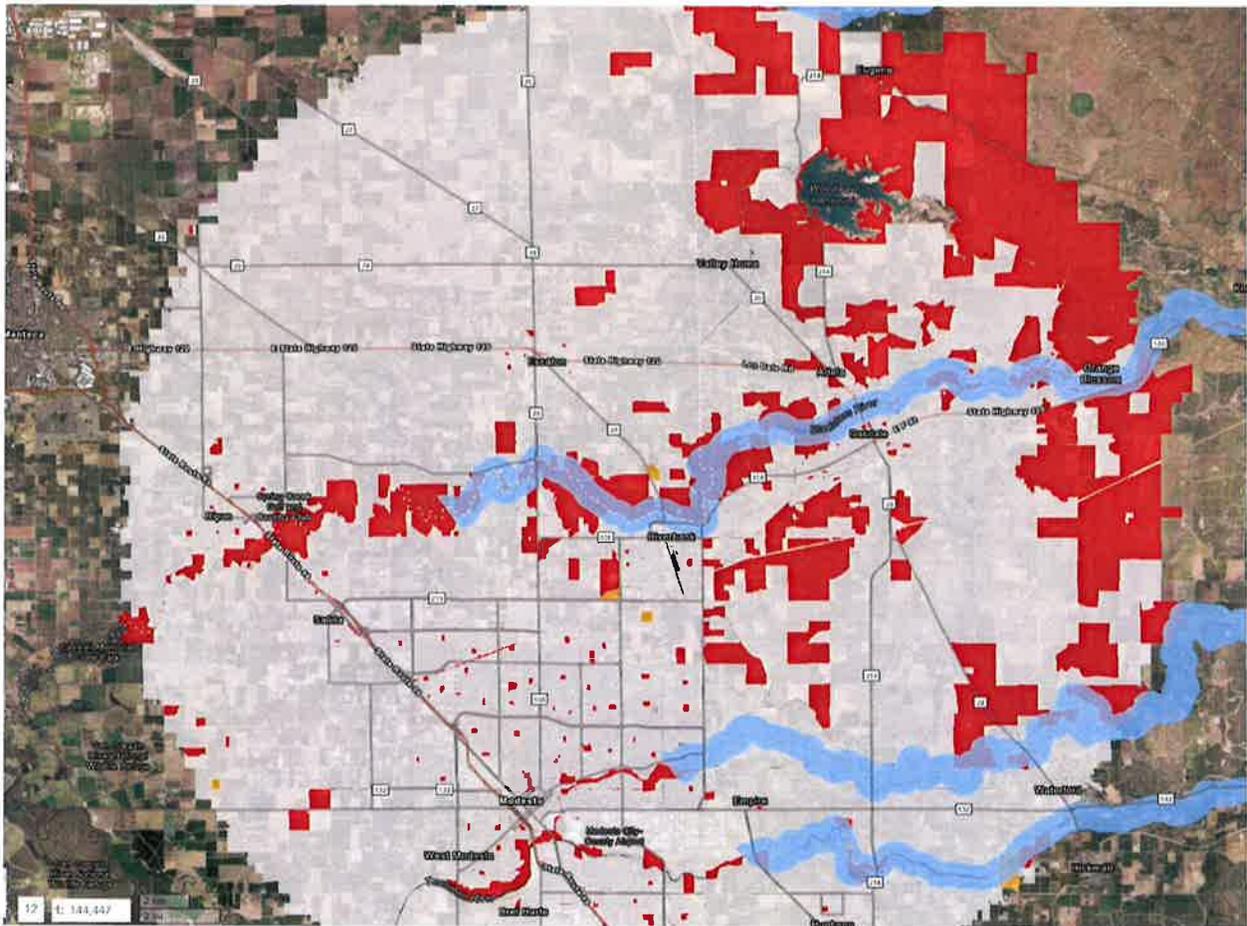


Figure 3. Huber et al.’s (2010, 2011) study area (shaded circular area) including mapped riparian wildlife movement corridors (blue) and highest-outcome irreplacability scores in a connectivity assessment directed to four target species including mule deer, bobcat, San Joaquin pocket mouse and western pond turtle (red polygons).

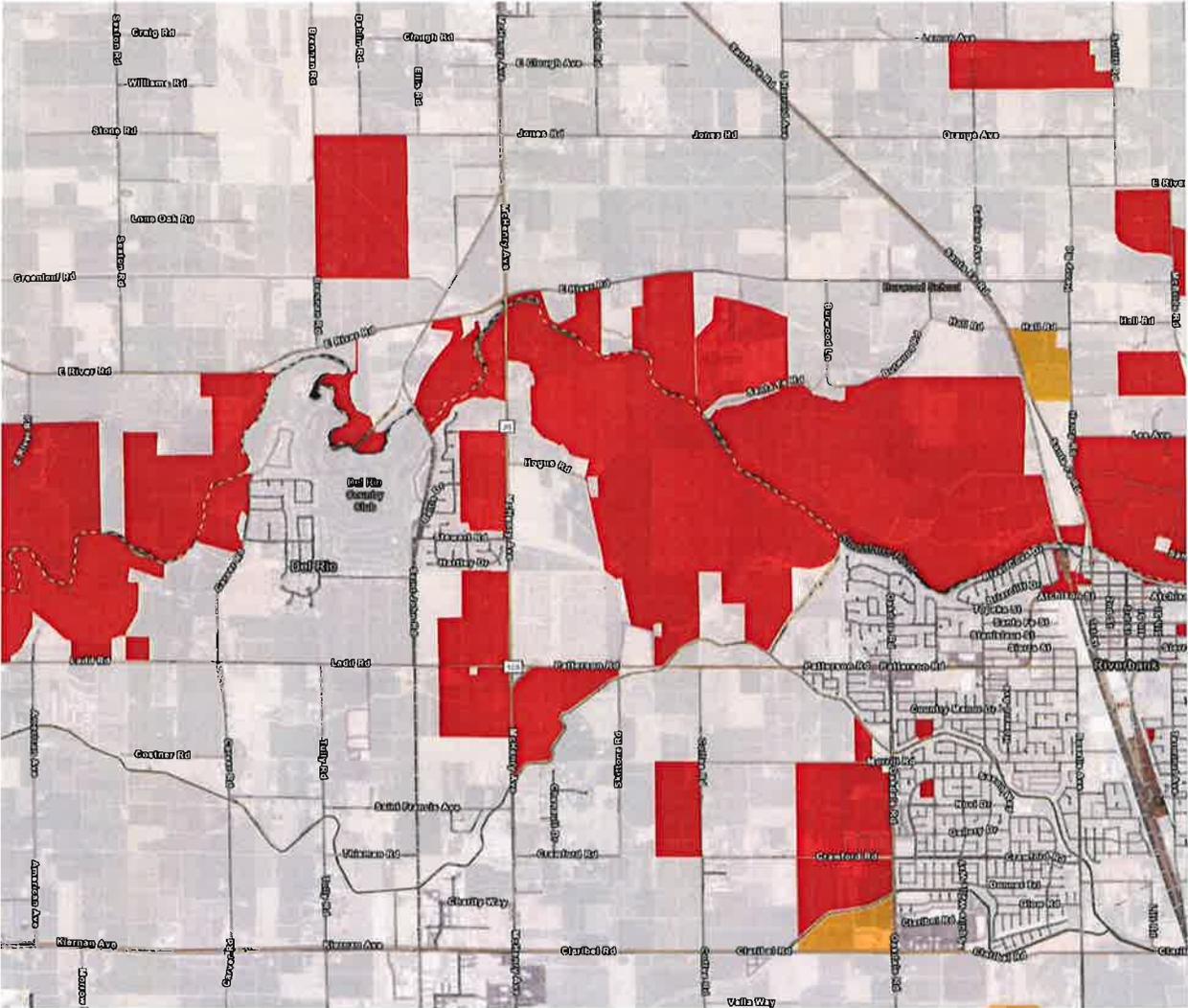


Figure 4. Closer view of the River Walk Specific Plan area, nearly all of which was assessed by Huber et al. (2010, 2011) to provide the highest irreplaceability scores and greatest connectivity to four target species including mule deer, bobcat, San Joaquin pocket mouse and western pond turtle (red polygons).

The DEIR cites the wrong source as evidence that the River Walk Specific Plan would have no significant impacts on wildlife movement in the region, and it fails to cite a strong source of evidence that it would have a highly significant impact on wildlife movement. Nor did McMurtry design a study or perform a program of observations capable of characterizing movement patterns or determining how and to what degrees wildlife use the Specific Plan area for movement. On the other hand, I observed multiple animal trails, on which were tracks of multiple species including mule deer, bobcat, striped skunk, raccoon, coyote and wild turkey. I observed Canada geese, mallards, wood ducks, double-crested cormorant and other species fly over the Specific Plan area. I also observed many California scrub-jays, northern flickers and yellow-rumped warblers flying back and forth between the walnut and almond orchards and the riparian woodland along the River. The evidence is overwhelming that the River Walk

Specific Plan area is important to wildlife movement in the region. The DEIR needs to be revised, and then recirculated for another public review.

WILDLIFE DEPREDATION BY HOUSE CATS

The DEIR fails to consider impacts on wildlife from housecats. Considering national trends, it is safe to assume that house cats would be introduced to the River Walk Specific Plan area by residents of the proposed 2,435 residential units. This is significant because 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. The DEIR indicates there would be 2,435 new residential units within the River Walk Specific Plan area, which assuming 3.11 residents per housing unit in Stanislaus County (<https://www.census.gov/quickfacts/fact/table/stanislauscountycalifornia/PST040222>), one can predict the project would add 7,573 residents. The above rates of cat ownership applied to this number of new residents **would predict 3,332 new cats, which would kill 406,519 vertebrate wildlife per year**. Many of the wildlife fatalities caused by house cats would be in reserves and riparian woodland.

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/>).

Impacts to wildlife from the introduction of house cats into the environment would be highly significant, and yet these impacts are not considered in the DEIR. A fair argument can be made for the need to revise the DEIR with more meaningful review of potential impacts to wildlife due to depredation by free-ranging house cats introduced by residents of the villages of the River Walk Specific Plan. An obvious mitigation measure would be to constrain house cat ownership such as requiring cats to remain indoors.

WINDOW COLLISION MORTALITY

The DEIR fails to consider impacts on wildlife from window collision. The River Walk Specific Plan would add 2,435 residential units to open space that is currently habitat to many birds. These new residences would present glass windows to birds attempting to use an essential portion of their habitat – that portion of the gaseous atmosphere that is referred to as the aerosphere (Davy et al. 2017, Diehl et al. 2017). The aerosphere is

where birds and bats and other volant animals with wings migrate, disperse, forage, perform courtship and where some of them mate. Birds are some of the many types of animals that evolved wings as a morphological adaptation to thrive by moving through the medium of the aerosphere. The aerosphere is habitat. Indeed, an entire discipline of ecology has emerged to study this essential aspect of habitat – the discipline of aeroecology (Kunz et al. 2008). Many special-status species of birds have been recorded at or near the aerosphere of the Glen Annie Site, and I saw many birds using the aerosphere while I surveyed the site. Bird-window collision mortality is a potentially significant impact that warrants analysis.

Window collisions are often characterized as either the second or third largest source or 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 River Walk Specific Plan area would impose windows in the airspace normally used by birds.

Glass-façades of buildings intercept and kill many birds, but these façades are differentially hazardous to birds based on spatial extent, contiguity, orientation, and other factors. At Washington State University, Johnson and Hudson (1976) found 266 bird fatalities of 41 species within 73 months of monitoring of a three-story glass walkway (no fatality adjustments attempted). Prior to marking the windows to warn birds of the collision hazard, the collision rate was 84.7 per year. At that rate, and not attempting to adjust the fatality estimate for the proportion of fatalities not found, 4,574 birds were likely killed over the 54 years since the start of their study, and that's at a relatively small building façade. Accounting for the proportion of fatalities not found, the number of birds killed by this walkway over the last 54 years would have been about 14,270. And this is just for one 3-story, glass-sided walkway between two college campus buildings.

Klem's (1990) estimate was based on speculation that 1 to 10 birds are killed per building per year, and this speculated range was extended to the number of buildings estimated by the US Census Bureau in 1986. Klem's speculation was supported by fatality monitoring at only two houses, one in Illinois and the other in New York. Also, the basis of his fatality rate extension has changed greatly since 1986. Whereas his estimate served the need to alert the public of the possible magnitude of the bird-window collision issue, it was highly uncertain at the time and undoubtedly outdated more than three decades hence. Indeed, by 2010 Klem (2010) characterized the upper end of his estimated range – 1 billion bird fatalities – as conservative. Furthermore, the estimate lumped species together as if all birds are the same and the loss of all birds to windows has the same level of impact.

By the time Loss et al. (2014) performed their effort to estimate annual USA bird-window fatalities, many more fatality monitoring studies had been reported or were underway. Loss et al. (2014) incorporated many more fatality rates based on scientific

monitoring, and they were more careful about which fatality rates to include. However, they included estimates based on fatality monitoring by homeowners, which in one study were found to detect only 38% of the available window fatalities (Bracey et al. 2016). Loss et al. (2014) excluded all fatality records lacking a dead bird in hand, such as injured birds or feather or blood spots on windows. Loss et al.'s (2014) fatality metric was the number of fatalities per building (where in this context a building can include a house, low-rise, or high-rise structure), but they assumed that this metric was based on window collisions. Because most of the bird-window collision studies were limited to migration seasons, Loss et al. (2014) developed an admittedly assumption-laden correction factor for making annual estimates. Also, only 2 of the studies included adjustments for carcass persistence and searcher detection error, and it was unclear how and to what degree fatality rates were adjusted for these factors. Although Loss et al. (2014) attempted to account for some biases as well as for large sources of uncertainty mostly resulting from an opportunistic rather than systematic sampling data source, their estimated annual fatality rate across the USA was highly uncertain and vulnerable to multiple biases, most of which would have resulted in fatality estimates biased low.

In my review of bird-window collision monitoring, I found that the search radius around homes and buildings was very narrow, usually 2 meters. Based on my experience with bird collisions in other contexts, I would expect that a large portion of bird-window collision victims would end up farther than 2 m from the windows, especially when the windows are higher up on tall buildings. In my experience, searcher detection rates tend to be low for small birds deposited on ground with vegetation cover or woodchips or other types of organic matter. Also, vertebrate scavengers entrain on anthropogenic sources of mortality and quickly remove many of the carcasses, thereby preventing the fatality searcher from detecting these fatalities. Adjusting fatality rates for these factors – search radius bias, searcher detection error, and carcass persistence rates – would greatly increase nationwide estimates of bird-window collision fatalities.

Buildings can intercept many nocturnal migrants as well as birds flying in daylight. As mentioned above, Johnson and Hudson (1976) found 266 bird fatalities of 41 species within 73 months of monitoring of a four-story glass walkway at Washington State University (no adjustments attempted for undetected fatalities). Somerlot (2003) found 21 bird fatalities among 13 buildings on a university campus within only 61 days. Monitoring twice per week, Hager et al. (2008) found 215 bird fatalities of 48 species, or 55 birds/building/year, and at another site they found 142 bird fatalities of 37 species for 24 birds/building/year. Gelb and Delacretaz (2009) recorded 5,400 bird fatalities under buildings in New York City, based on a decade of monitoring only during migration periods, and some of the high-rises were associated with hundreds of fatalities each. Klem et al. (2009) monitored 73 building façades in New York City during 114 days of two migratory periods, tallying 549 collision victims, nearly 5 birds per day. Borden et al. (2010) surveyed a 1.8 km route 3 times per week during 12-month period and found 271 bird fatalities of 50 species. Parkins et al. (2015) found 35 bird fatalities of 16 species within only 45 days of monitoring under 4 building façades. From 24 days of survey over a 48-day span, Porter and Huang (2015) found 47 fatalities under 8 buildings on a university campus. Sabo et al. (2016) found 27 bird fatalities over 61 days of searches under 31 windows. In San Francisco, Kahle et al. (2016) found 355

collision victims within 1,762 days under a 5-story building. Ocampo-Peñuela et al. (2016) searched the perimeters of 6 buildings on a university campus, finding 86 fatalities after 63 days of surveys. One of these buildings produced 61 of the 86 fatalities, and another building with collision-deterrent glass caused only 2 of the fatalities, thereby indicating a wide range in impacts likely influenced by various factors. There is ample evidence available to support my prediction that the proposed Project would result in many collision fatalities of birds within the River Walk Specific Plan area.

Bird-window impact prediction

I have reviewed and processed results of bird collision monitoring at 213 buildings and façades for which bird collisions per m² 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 m² 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 site of a proposed new project.

I found no information on the extent of glass windows on the proposed new residential units. I therefore relied on another source for estimating the extent of glass windows within the River Walk Specific Plan area. I have maintained a database of the extent of glass windows relative to the extents of floor space among other projects for which I have prepared expert testimony. For 25 recently proposed California residential projects, the ratio of m² of windows to ft² of floor space was 0.017 (95% CI: 0.0088–0.0253). Assuming 2,000 sf per residential unit, the 2,435 residential units anticipated in the River Walk Specific Plan would total 4,870,000 sf, which multiplied against the ratio reported above would predict 82,790 m² (95% CI: 42,856–123,211 m²). Applying the mean fatality rate (above) to my estimate of 82,790 m² of glass within the River Walk Specific Plan area, **I predict annual bird deaths of 6,052 (95% CI: 3,593–8,511)**. I could update this prediction if I was to see more details about the River Walk Specific Plan. With or without more details, however, a bird-window collision mortality of this predicted magnitude would be highly significant. My analysis, updated or not, reveals that the impacts of bird-window collision mortality would be highly significant within the River Walk Specific Plan area. This impact is not considered in the DEIR. A fair argument can be made for the need to revise the DEIR with more meaningful review of potential impacts to wildlife due to collisions with windows.

ROAD COLLISION MORTALITY

The DEIR fails to consider impacts on wildlife from road collision mortality. Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the River Walk Specific Plan's traffic to get to and from the villages within the River Walk Specific Plan area (Photos 42–44), including along roads far from the villages. Vehicle collisions have accounted for the deaths of many thousands of

amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to 8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

Photo 42. A Gambel's quail dashes across a road on 3 April 2021. Such road crossings are usually successful, but too often prove fatal to the animal. Photo by Noriko Smallwood.



Photo 43. Mourning dove killed by vehicle on a California road. Photo by Noriko Smallwood, 21 June 2020.



Photo 44. Raccoon killed on Road 31 just east of Highway 505 in Solano County. Photo taken on 10 November 2018.

The nearest study of traffic-caused wildlife mortality was performed along a 2.5-mile stretch of Vasco Road in Contra Costa County, California. Fatality searches in this study found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches (Mendelsohn et al. 2009). This fatality number needs to be adjusted for the proportion of fatalities that were not found due to scavenger removal and searcher error. This adjustment is typically made by placing carcasses for searchers to find (or not find) during their routine periodic fatality searches. This step was not taken at Vasco Road (Mendelsohn et al. 2009), but it was taken as part of another study next

to Vasco Road (Brown et al. 2016). Brown et al.'s (2016) adjustment factors for carcass persistence resembled those of Santos et al. (2011). Also applying searcher detection rates from Brown et al. (2016), the adjusted total number of fatalities was estimated at 12,187 animals killed by traffic on the road. This fatality number over 1.25 years and 2.5 miles of road translates to 3,900 wild animals per mile per year. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 243,740 animals killed per 100 km of road per year, or 29 times that of Loss et al.'s (2014) upper bound estimate and 68 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the Glen Annie Site would similarly result in local impacts on wildlife.

For wildlife vulnerable to front-end collisions and crushing under tires, road mortality can be predicted from the study of Mendelsohn et al. (2009) as a basis, although it would be helpful to have the availability of more studies like that of Mendelsohn et al. (2009) at additional locations. My analysis of the Mendelsohn et al. (2009) data resulted in an estimated 3,900 animals killed per mile along a county road in Contra Costa County. Two percent of the estimated number of fatalities were birds, and the balance was composed of 34% mammals (many mice and pocket mice, but also ground squirrels, desert cottontails, striped skunks, American badgers, raccoons, and others), 52.3% amphibians (large numbers of California tiger salamanders and California red-legged frogs, but also Sierran treefrogs, western toads, arboreal salamanders, slender salamanders and others), and 11.7% reptiles (many western fence lizards, but also skinks, alligator lizards, and snakes of various species). VMT is useful for predicting wildlife mortality because I was able to quantify miles traveled along the studied reach of Vasco Road during the time period of the Mendelsohn et al. (2009), hence enabling a rate of fatalities per VMT that can be projected to other sites, assuming similar collision fatality rates.

Animal-vehicle collision mortality prediction

The DEIR predicts 245,108 daily VMT, which project to a year would be 89,464,420 annual VMT. During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was $19,500 \text{ cars and trucks} \times 2.5 \text{ miles} \times 365 \text{ days/year} \times 1.25 \text{ years} = 22,242,187.5$ vehicle miles per 12,187 wildlife fatalities, or 1,825 vehicle miles per fatality. This rate divided into the above-predicted annual VMT would **predict 49,022 vertebrate wildlife fatalities per year**. Even if the mortality is half this rate, it would be highly significant. Even if the mortality is a tenth of this rate, it would be highly significant.

Based on my analysis, the project-generated traffic from and within the River Walk Specific Plan area would cause substantial, significant impacts to wildlife. Given the predicted level of traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project at the River Walk Specific Plan area would result in potentially significant adverse biological impacts. However, these impacts are not considered in the DEIR. A fair argument can be made for the need to revise the DEIR with more meaningful review of potential impacts to wildlife due to collision mortality caused by increased road traffic.

CUMULATIVE IMPACTS

Considering the size of the River Walk Specific Plan, the degree of habitat fragmentation that has already occurred in the area, and the magnitudes of predicted perpetual wildlife mortality that would be caused by the development of the River Walk Specific Plan, an analysis of the River Walk Specific Plan's contributions to cumulative impacts was required in the DEIR. I predict the habitat loss caused the development of the River Walk Specific Plan would deny California of 47,439 birds per year, and build-out of the SOI would deny California of 71,142 birds per year, which combined with the loss of bird productivity caused by existing, approved and planned development in the region would be highly significant. I predict the development of the River Walk Specific Plan would contribute cumulatively to interference with wildlife movement in the region. I predict the development of the River Walk Specific Plan would contribute annual mortality of 6,052 (95% CI: 3,593–8,511) birds due to collisions with windows, 406,519 vertebrate animals due to depredation by house cats, and 49,022 wild animals due to collisions with project-generated road traffic. These are devastatingly large numbers of direct impacts to wildlife just at the River Walk Specific Plan alone, but these numbers would add to the tolls at the other projects recently completed, underway or foreseeable.

According to the DEIR (p. 4.0-8), potential project-level impacts to biological resources would be mitigated through implementation of preconstruction surveys and some compensatory mitigation. The DEIR asserts that cumulative impacts would be reduced to less than significant levels as a result of the project-level mitigation measures it outlines. Thus, the DEIR implies that cumulative effects are simply residual impacts of incomplete mitigation of project-level impacts, and that no residual impacts would remain. This notion is inconsistent with CEQA's definition of cumulative impacts and how to analyze them. If this was CEQA's standard, then cumulative effects analysis would be merely an analysis of mitigation efficacy. This is not how cumulative effects are to be analyzed; the cumulative effects analysis is fundamentally flawed.

Even if project-level mitigation is implemented, development projects cause cumulative impacts. To measure the impacts of habitat loss to wildlife caused by mitigated development projects, Noriko Smallwood and I revisited 80 sites of proposed projects that we had originally surveyed in support of comments on CEQA review documents (Smallwood and Smallwood 2023). We revisited the sites to repeat the survey methods at the same time of year, the same start time in the day, and the same methods and survey duration in order to measure the effects of mitigated development on wildlife. We structured the experiment in a before-after, control-impact experimental design, as some of the sites had been developed since our initial survey and some had remained undeveloped. We found that mitigated development resulted in a 66% loss of species on site, and 48% loss of species in the project area. Counts of vertebrate animals declined 90%. "Development impacts measured by the mean number of species detected per survey were greatest for amphibians (-100%), followed by mammals (-86%), grassland birds (-75%), raptors (-53%), special-status species (-49%), all birds as a group (-48%), non-native birds (-44%), and synanthropic birds (-28%). Our results indicated that urban development substantially reduced vertebrate species richness and numerical abundance, even after richness and abundance had likely already been depleted by the

cumulative effects of loss, fragmentation, and degradation of habitat in the urbanizing environment,” and despite all of the mitigation measures.

A serious analysis of cumulative impacts is warranted. The DEIR does not provide a serious analysis. A fair argument can be made for the need to revise the DEIR to appropriately analyze potential cumulative impacts.

INADEQUATE MITIGATION

The mitigation measures in the DEIR are repeatedly composed of preconstruction surveys, which are an inadequate means to analyze the potential impacts of the project on wildlife. Prior to preconstruction surveys, and prior to the circulation of the DEIR, detection surveys should have been performed for each of the special-status species at issue. The mitigation plan of the DEIR bypasses detection surveys needed by the readers of the DEIR, and proposes preconstruction surveys in place of detection surveys, but preconstruction surveys cannot provide anywhere close to the same probabilities of detection of each of the species at issue. The DEIR’s mitigation measures for biological resources are deficient.

I also note that the periods of avoidance of construction to minimize impacts to special-status species, which are either proposed in the DEIR’s mitigation measures or by mitigation guidelines prepared by regulatory agencies, leaves only a short period of the year for construction. The period of the year that would minimize impacts to VELB, giant gartersnake, special-status species of bumble bees, burrowing owl, Swainson’s hawk, other special-status species of birds, and bats would be 2 November to 31 January. The DEIR should be revised to specify that the period of construction must be limited to 2 November to 31 January to minimize impacts to biological resources.

Mitigation Measure 3.4-1 Valley Elderberry Longhorn Beetle: *Preconstruction survey within areas of disturbance of each village. Avoid VELB, or consult City and USFWS and minimally replace each occupied elderberry with 5 elderberries and 5 other trees and shrubs to be monitored over 5 years to achieve 80% success rate.*

The village-by-village approach to performing preconstruction surveys is contrary to the recommended survey approach of U.S. Fish and Wildlife Service (2017), who writes, “A more thorough analysis of nearby occurrences, surrounding habitat, and elderberry density is needed to fully address adverse impacts.” U.S. Fish and Wildlife Service (2017) includes many additional details of surveys for VELB, as well as for mitigation. Detection surveys for VELB are needed prior to the circulation of the DEIR, because the public needs to know whether the River Walk Specific Plan area supports VELB, and to what extent do VELB occupy the area.

Also, U.S. Fish and Wildlife Service (2017) recommends that all construction activities within 50 m of an elderberry shrub should be conducted outside March – July, which is the flight season of VELB. Details like this one need to be included in a revised DEIR.

Mitigation Measure 3.4-2 Special-status Species of Bumble Bee:

Preconstruction survey within 7 days of construction of each village, and colonies to be flagged and buffered by a qualified biologist and buffered area to be avoided March 1 through November 1.

What is needed first are detection surveys for the special-status species of bumble bees. The public needs to know whether the River Walk Specific Plan area supports these species of bumble bees. Waiting until within 7 days of construction would be too late to search for these bumble bees with anything close to level of detection probability that one could achieve using a detection survey protocol. Waiting would also prevent the public from knowing whether these species occur and to what degrees the Specific Plan would cause impacts.

Mitigation Measure 3.4-3 Western Pond Turtle: *Preconstruction survey over aquatic environments and adjacent uplands at each village, and if found, relocation of turtles in consultation with CDFW. Also, construction crews will receive environmental awareness training and 15 mph speed limit.*

I concur that environmental awareness training and a speed limit of 15 mph would be helpful to minimize impacts to individual pond turtles, but the benefits of these measures would be trivial relative to the permanent impacts of the Specific Plan on pond turtles.

What is needed first before preconstruction surveys are detection surveys for western pond turtles. Also needed first is consultation with CDFW to agree on important details such as how and to where western pond turtles would be transported if found during preconstruction surveys.

Mitigation Measure 3.4-4 Giant Gartersnake: *Construction will occur during the active season May through October 1 [I think the City meant "will not occur"] within 200 feet of irrigation ditch. construction crews will receive environmental awareness training. Preconstruction survey within 24 hours of construction. Construction monitoring. Low speed limits. Aquatic areas adjacent to construction will be fenced and avoided.*

Giant gartersnakes are very difficult to detect. A survey within 24 hours of construction would likely detect few if any of giant gartersnakes that actually occur on the Specific Plan area. Detection surveys should be completed in support of a revised DEIR.

Even if preconstruction surveys detect any giant gartersnakes, capturing the snakes for relocation would be difficult and likely unsuccessful. Also, even if giant gartersnakes are captured and relocated, this measure would not prevent the permanent destruction of giant gartersnake habitat.

Mitigation Measure 3.4-5 Burrowing Owl: *Preconstruction take-avoidance surveys within 14 days of construction, followed by mitigation per CDFW (2012) if presence is detected. Compensatory mitigation for loss of foraging habitat.*

The proposed compensatory mitigation is inappropriate. According to the DEIR, habitat would be protected of similar quality to that lost to the development, such as cropland for cropland, or grassland for grassland. Appropriate would be protecting lands known to provide habitat to burrowing owls, whether that land be used in crop production or it is grassland or something else. This is important because most cropland in California is no longer occupied by burrowing owls, which are rapidly disappearing from California (Miller 2024).

Mitigation Measure 3.4-6 Swainson's hawk: *Preconstruction take-avoidance surveys within 30 days of construction during nest season of 1 February to 31 August. Buffers will be established and maintained by qualified biologist during construction. Compensate for loss of foraging habitat.*

The DEIR is unclear. It is unclear which ratio – 1:1 or 0.5:1 applies when within 1 mile of active nest. Otherwise, this measure would not prevent the permanent destruction of Swainson's hawk habitat.

Mitigation Measure 3.4-7 Other Protected Birds: *Preconstruction survey of any given site within 14 days of construction if construction begins 15 Feb through 31 Aug. Qualified biologist will establish buffers around active nests, and adjusted as needed.*

The avian breeding season recognized by the CDFW is now 1 February through 15 September. The DEIR should be revised accordingly.

I concur with the implementation of preconstruction surveys, but it should be understood that preconstruction surveys are no substitute for detection surveys. It should be understood that preconstruction surveys, although warranted, actually achieve very little. Preconstruction, take-avoidance surveys consist of two steps, both of which are very difficult. First, the biologist(s) performing the survey must identify birds that are breeding. Second, the biologist(s) must locate the breeding birds' nests. The first step is typically completed by observing bird behaviors such as food deliveries and nest territory defense. These types of observations typically require many surveys on many dates spread throughout the breeding season, and these observations are to find the nest sites of single targeted species (Smallwood et al. 2013, Smallwood and Smallwood 2021). To identify the birds of all species nesting on a site requires a much greater survey effort.

I completed surveys to complete the steps needed to count nest attempts of all birds on a research site. I constrained my surveys to a relatively small area of 12.74 acres, because I knew that finding all of the nest sites would be extremely difficult. I surveyed this site 30 times from March through mid-August 2023. Any one of my surveys might have resulted in one or a few nest detections, but my estimated total number of nests was 216. Cavity nests proved the easiest to find, because cavity nesters can more effectively defend their nests against predators and therefore have less need to hide the whereabouts of their nests. Nests of large raptors and herons were also relatively easy to find. I could also identify other birds engaged in nest attempts, but those birds using

small cup nests in trees and shrubs and nests on the ground carefully avoided visits to their nests in my presence. Small birds in trees and shrubs and ground nesters are highly vulnerable to predation, and thus the most cryptic of nesters. Whereas I estimated lesser goldfinch as the most prolific nester on the study site, I found not one of their nest structures.

As an example of how difficult it is to find the nests of lesser goldfinch, I had a pair nest at my house in spring 2023. I could see the adult lesser goldfinches collecting nest material and forage in my backyard, right out my office window. To aid my ongoing nest study at my study site, I needed to learn where my office-window lesser goldfinches were nesting. While they gathered nest material in my yard, I would exit my home through either my front or back door to track their flights back to their nest, but every time I did this, they flew around the opposite side of my house. I never once saw which tree they were nesting in, so I could not find their nest. It was not until August when a brown-headed cowbird chick pushed out one of the lesser goldfinch chicks did I find the nest site. The lesser goldfinch chick had fallen onto my driveway, so the nest was directly overhead. It still required about another 30 minutes to locate the actual nest structure, and then I could not photograph it due to the dense clusters of leaves and berries that surrounded it. I photographed it in late December after the tree defoliated (Photo 45).



Photo 45. Lesser goldfinch nest (center), visible only after the tree defoliated.

Searching the literature, I found only one scientifically sound estimate of lesser goldfinch nest density, thus indicating the difficulty that all wildlife ecologists and ornithologists have had with finding nest sites of this species. But this species is not alone in its skill at hiding nests from human observers. A preconstruction survey within 14 days of the commencement of construction would not ensure that all active bird nests are found and salvaged. This is most especially not going to happen on a property that is 116 acres in size and on which exists about 626 trees. Finding all of the active bird nests on the project site would require a phenomenal effort by many qualified biologists working together throughout the breeding season.

Even assuming all the nests could be found, the mitigation measure would apply only to the breeding season of the survey. After this survey year, California would be denied the production of birds from the Specific Plan area during every subsequent year. The impacts of the project to birds would be permanent and of large magnitude (see my prediction above, under Habitat Loss).

Finally, the mitigation language allows a single individual to make a subjective decision, outside the public's view, to determine the buffer area for any given species. This measure lacks objective criteria, and is unenforceable.

Mitigation Measure 3.4-8 Bats: *Prior to grading of each village, perform preconstruction survey for maternity roosts, which if present and construction must happen during the pupping season of April 1 to July 31, perform the survey again [it seems], and a qualified biologist will establish buffers. If non-maternity roost is found, then eviction and exclusion will commence.*

Detection surveys were needed prior to the public circulation of the DEIR, and certainly prior to preconstruction surveys. A preconstruction survey cannot achieve the same detection probability as can detection surveys.

The mitigation language allows a single individual to make a subjective decision, outside the public's view, to determine the buffer area to be applied to each species. This measure lacks objective criteria, and is unenforceable.

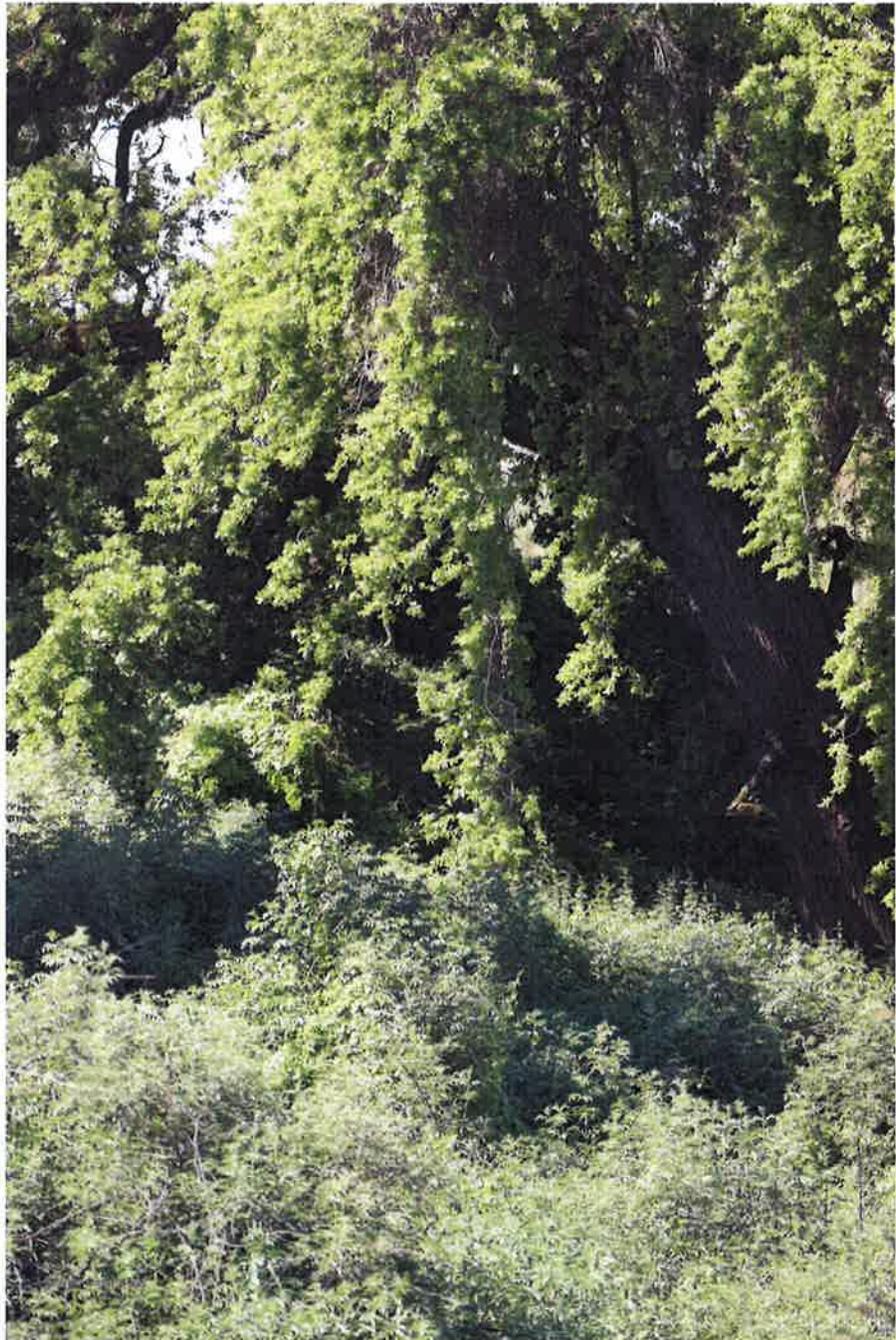
Mitigation Measure 3.4-9 Wetland Status of Agricultural Ditch: *Determine whether non-jurisdictional and whether agricultural ditch exemption applies.*

Determining the regulatory status of an agricultural ditch is not a legitimate mitigation measure, but rather an administrative step that must precede the public circulation of the DEIR. Furthermore, the location of the "ditch" is identified along an alignment that follows the base of the "riverbank" of the Stanislaus River, appears to be part of a historic meander and a floodplain feature, not excavated in uplands. This is supported by a series of images taken directly from the National Wetland Inventory, a publicly available US Fish and Wildlife Service website that provides maps and classifies wetland features. Those images show the floodplain, the channel crossing the property that feeds a document wetland classified as PFOA, Palustrine, Forested, Temporality Flooded (<https://www.fws.gov/program/national-wetlands-inventory/classification-codes>). This

classified wetland is readily visible in the aerial photos of the property, yet is never discussed in the DEIR. This wetland is likely to be impacted by property development and is a potential ecological hotspot for listed species. Yet the DEIR fails to include mitigation associated with project impacts, such as drainage increasing or decreasing as a result of construction and stormwater management, or impacts to wildlife species. (See Exhibit B for additional information on these features.)

This wetland, which the DEIR refers to as a ditch, is visible from the River's levee, from where I took several photos using a 500 mm lens. Photos 46 – 50 depict a mature riparian forest.

Photo 46. *Riparian woodland grows from the southeastern reach of what the DEIR refers to as a ditch.*





Photos 47 and 48. Riparian woodland is visible just beyond the orchard (top) and vineyard (bottom), and grows from what the DEIR refers to as a ditch.



Photo 49. Riparian woodland grows along what the DEIR refers to as a ditch.

Impact 3.7-7 Riparian Habitat: *No mitigation is proposed for potential impacts to riparian forest because the DEIR wrongly asserts there would be no impacts.*

Placing thousands of people and their pets next to the Stanislaus River would certainly bring impacts to the riparian woodland and other types of vegetation complexes between the levee and the River. Already, locals are shooting within the riparian zone, and there is a well-used motorcycle track. These types of activities in the riparian zone would increase with the addition of more than 7,500 people in the Specific Plan. From the new homes, house cats and dogs would enter the riparian zone to hunt wildlife. The riparian zone would also be infiltrated by light and noise pollution from the homes and human activities in the Specific Plan. It is not credible to claim that no impacts to the riparian woodland would be caused by the Specific Plan. It is inappropriate to claim that no mitigation is needed.

Mitigation Measure 3.4-10 San Joaquin County Multi-species HCP: *Will participate with SJMSCP to mitigate for impacts of sewer line on covered species.*

Due to grossly deficient implementation and due to poor performance of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), the Specific Plan's impacts to SJMSCP-covered species of wildlife should be mitigated outside the SJMSCP. The SJMSCP is currently unsuitable as a mitigation strategy for the River Walk Specific Plan.

There are four major problems with relying on the SJMSCP to mitigate the Specific Plan's impacts to special-status species of wildlife: (1) Not all special-status species along the sewer line are covered by the SJMSCP; (2) Many non-covered species of birds are still protected by the federal Migratory Bird Treaty Act (MBTA) and California Migratory Bird Protection Act (MBPA), which warrant CEQA review for potential impacts; (3) The SJMSCP requires protocol-level detection surveys at project sites for

covered species, but no such surveys have been performed along the sewer line of the Specific Plan; and, (4) Available evidence indicates that the premise is likely false that SJMSCP participation conserves covered species. I have reviewed the monitoring reports of the SJMSCP, and concluded that both survey objectives and conservation objectives have not been achieved for burrowing owls or Swainson's hawks.

RECOMMENDED MEASURES

Construction Monitoring: Should the Specific Plan go forward, qualified biologists should be required to monitor construction impacts to wildlife. However, it should also be required that the monitor completes a report of the findings of construction monitoring. All cases of potential construction harm to wildlife should be reported to US Fish and Wildlife/California Department of Fish and Wildlife, and to the City, along with what was done to prevent or minimize or rectify injuries. All injuries and fatalities should be reported to the same parties, along with the disposition of any remains. The report be made available to the public.

House Cats

If the Specific Plan goes forward, homeowners should not be allowed to let their cats range free. A fund should be established for long-term management of house cats in the Specific Plan. 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.

Pest Control: The Project should commit to no use of rodenticides and avicides. It should commit to no placement of poison bait stations outside the building.

Guidelines on Building Design to Minimize Bird-Window Collisions: If the Project goes forward, it should 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.

New research results inform of the efficacy of marking windows. Whereas Klem (1990) found no deterrent effect from decals on windows, Johnson and Hudson (1976) reported a fatality reduction of about 69% after placing decals on windows. In an experiment of opportunity, Ocampo-Peñuela et al. (2016) found only 2 of 86 fatalities at one of 6

buildings – the only building with windows treated with a bird deterrent film. At the building with fritted glass, bird collisions were 82% lower than at other buildings with untreated windows. Kahle et al. (2016) added external window shades to some windowed façades to reduce fatalities 82% and 95%. Brown et al. (2020) reported an 84% lower collision probability among fritted glass windows and windows treated with ORNILUX R UV. City of Portland Bureau of Environmental Services and Portland Audubon (2020) reduced bird collision fatalities 94% by affixing marked Solyx window film to existing glass panels of Portland’s Columbia Building. Many external and internal glass markers have been tested experimentally, some showing no effect and some showing strong deterrent effects (Klem 1989, 1990, 2009, 2011; Klem and Saenger 2013; Rössler et al. 2015). For example, Feather Friendly® circular adhesive markers applied in a grid pattern across all windows reduced bird-window collision mortality by 95% in one study (Riggs et al. 2023) and by 95% in another (de Groot et al. 2021). Another study tested the efficacy of two filmshades to be applied exteriorly to windows prior to installations: BirdShades increased bird-window avoidance by 47% and Haverkamp increased avoidance by 39% (Swaddle et al. 2023).

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, and 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 newly constructed buildings or homes for fatalities.

Road Mortality: Compensatory mitigation is needed for the increased wildlife mortality that would be caused by project-generated road traffic in the region. I suggest that this mitigation be directed toward funding research to identify fatality patterns and effective impact reduction measures such as reduced speed limits and wildlife under-crossings or overcrossings of particularly dangerous road segments. Compensatory mitigation can also be provided in the form of donations to wildlife rehabilitation facilities (see below).

Fund Wildlife Rehabilitation Facilities: Compensatory mitigation ought also to include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that will be delivered to these facilities for care. Many animals would likely be injured by collisions with automobiles and windows and by depredation attempts by house cats and dogs.

Landscaping: If the Project goes forward, California native plant landscaping (i.e., grassland and locally appropriate scrub plants) should be considered to be used as opposed to landscaping with lawn and exotic shrubs and trees. Native plants offer more structure, cover, food resources, and nesting substrate for wildlife than landscaping with lawn and ornamental trees. Native plant landscaping has been shown to increase the abundance of arthropods which act as importance sources of food for wildlife and are crucial for pollination and plant reproduction (Narango et al. 2017, Adams et al. 2020, Smallwood and Wood 2022.). Further, many endangered and threatened insects require native host plants for reproduction and migration, e.g., monarch butterfly. Around the

world, landscaping with native plants over exotic plants increases the abundance and diversity of birds, and is particularly valuable to native birds (Lerman and Warren 2011, Burghardt et al. 2008, Berthon et al. 2021, Smallwood and Wood 2022). Landscaping with native plants is a way to maintain or to bring back some of the natural habitat and lessen the footprint of urbanization by acting as interconnected patches of habitat for wildlife (Goddard et al. 2009, Tallamy 2020). Lastly, not only does native plant landscaping benefit wildlife, it requires less water and maintenance than traditional landscaping with lawn and hedges.

Thank you for your consideration,



Shawn Smallwood, Ph.D.

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Attachments: Exhibits A and B

EXHIBIT A

EXHIBIT A

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

- 882 professional reports, including:
- 93 peer reviewed publications
- 24 in non-reviewed proceedings
- 763 reports, declarations, posters and book reviews
- 8 in mass media outlets
- 95 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 foudns 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 interspersions 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

Smallwood, K. S., and N. L. Smallwood. 2023. Measured effects of anthropogenic development on vertebrate wildlife diversity. *Diversity* 15, 1037. <https://doi.org/10.3390/d15101037>.

Bell, D. A., S. A. Snyder, J. E. DiDonato, and K. S. Smallwood. 2023. Conspecific carcass removal from a wind project study plot by a great horned owl (*Bubo Virginianus*). *Journal of Raptor Research* 57:489-492.

Kitano, M., K. S. Smallwood, and K. Fukaya. 2022. Bird carcass detection from integrated trials at multiple wind farms. *Journal of Wildlife Management*: In press.

Smallwood, K. S. 2022. Utility-scale solar impacts to volant wildlife. *Journal of Wildlife Management*: e22216. <https://doi.org/10.1002/jwmg.22216>

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Comments on Environmental Documents (Year; pages)

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

- Ashley Warehouse Environmental Checklist, Lathrop (2023; 38);
- Replies on 6615 Pacific Coast Highway Site Plan Review, Long Beach (2023; 12)
- Science Research Park Expansion Project EIR Addendum, San Diego (2023; 40);
- Rubio Village IS/MND, San Gabriel (2023; 14);
- Havana Investment Industrial Categorical Exemption, Jurupa Valley (2023; 22);
- New Cal Centre EIR Addendum, Kern County (2023; 39);
- 4th & Hewitt Project DEIR, Los Angeles (2023; 19);
- 4260 N Arch Drive Categorical Exemption, Los Angeles (2023; 27);
- 6700 Pacific Coast Highway Site Plan Review, Long Beach (2023; 29);
- Replies to 6615 Pacific Coast Highway Site Plan Review, Long Beach (2023; 12);
- 6615 Pacific Coast Highway Site Plan Review, Long Beach (2023; 34);
- Moonlight Apartments biological assessment, Encinitas (2023; 46);
- Replies to Modera Melrose Mixed-use DEIR, Oceanside (2023; 11);
- Modera Melrose Mixed-use DEIR, Oceanside (2023; 39);
- 550 Piercy Road Industrial IS/MND, San Jose (2023; 28);
- Living Spaces Development IS/MND, Fresno (2023; 28);
- FIND Food Bank Staff Report, Indio (2023; 19);
- Replies to Shadowbox Studios DEIR, Santa Clarita (2023; 35);
- Shadowbox Studios DEIR, Santa Clarita (2023; 50);
- Tulare 40 Generation Facility IS/MND, Tulare County (2023; 20);
- Garden Street Hotel Staff Report, Santa Barbara (2023; 19);
- Replies to 975 Manhattan Apartments Discretionary Approval, Los Angeles (2023; 10);
- 975 Manhattan Apartments Discretionary Approval, Los Angeles (2023; 12);
- 6th visit Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2023; 14);
- Coachella Airport Business Park IS/MND, Coachella (2023; 31);
- 3400 Tecate Warehouse Staff Report, Camarillo (2023; 26);
- Green Valley III Apartments DEIR, Fairfield (2023; 50);
- Pacific Specific Plan DEIR, San Marcos (2023; 55);
- Amara Bay Mixed Use Staff Report, Chula Vista (2023; 46);
- Greenlaw Partners Warehouse IS, Fresno (2023; 23);
- PODS Warehouse IS/MND, Desert Hot Springs (2023; 30);
- 6th visit Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2023; 9);
- Replies on Ormat Brawley Solar Project DEIR, Brawley (2023; 80);
- One Hamilton as part of City of Mill Valley's 2023-2031 Housing Element Update DSEIR (2023; 31);
- Second letter on Shinohara Project IS/MND, Chula Vista (2023; 22);
- 3890 Depot Road Project IS/MND, Hayward (2023; 33);
- Wellprofit Wellness Mixed-use project CEQA Exemption, Temecula (2023; 31);
- Quail Meadows Apartments CEQA Exemption, Encinitas (2023; 55);
- RCCB Fresno Distribution Center Notice of Exemption, Fresno (2022; 14);

- Stoddard Wells Industrial Project IS/MND, City of Victorville (2022; 31);
- 16454 Adelanto Road Warehouse Distribution Facility Class 32 Categorical Exemption, Adelanto (2022; 17);
- Replies on Pure Water Project – Las Virgenes-Triunfo Joint Powers Authority FPEIR, Agoura (2022; 26);
- Desert Gateway MND Addendum, Desert Hot Springs (2022; 35);
- Blue Oaks Commerce Center MND Addendum, City of Roseville (2022; 12);
- Replies on Coachillin Amendment to Specific Plan, Desert Hot Springs (2022; 24);
- Island View Mixed-Use CEQA Compliance Memo, City of Rancho Cucamonga (2022; 17);
- Prairie Station Apartments IS/MND, City of Inglewood (2022; 32);
- Golden Land Warehouse CEQA Exemption, City of Rialto (2022; 12);
- South Juarez Street Design Review, Banning (2022; 17);
- Replies on Pentair Expansion Industrial Warehouse FMND, Moorpark (2022; 13);
- 2nd Replies on Greentree FEIR, Vacaville (2022; 16);
- Replies on Temporary Outdoor Vehicle Storage FEIR, Port of Hueneme (2022; 21);
- National City-Bayfront, San Diego DEIR (2022; 56);
- Goshen Community Plan General Plan Amendment & Addendum (2022, 6);
- Primrose and Adelanto warehouse Categorical Exemption, Adelanto (2022, 14);
- TenTen Hollywood Categorical Exclusion (2022, 17);
- Waste to Hydrogen project IS/MND, Lancaster (2022, 36);
- Las Virgenes-Triunfo Pure Water Project <Agoura Hills, (2022; 43);
- Shinohara Project IS/MND, Chula Vista (2022; 30);
- Marlborough-Northgate Warehouse IS/MND, Riverside (2022; 33);
- Meyers Ave, Warehouse IS/MND, Escondido IS/MND (2022; 27);
- Northgate Industrial Park IS/MND, Sacramento (2022; 28);
- Ramona-Indian Warehouse IS/MND, Perris (2022; 44);
- Norwalk Entertainment District EIR (2022; 29);
- Breeze Luxury Apartments IS/MND, Oceanside (2022; 40);
- Paso Commons Golden Hills Commerce Center IS/MND, Paso Robles (2022; 35);
- YS Industrial Park Application, Visalia (2022; 20);
- Pentair Expansion Industrial Warehouse IS/MND, Moorpark (2022; 28);
- Salvador Solar IS/MND, Riverside (2022; 27);
- Fresno General Plan Amendment 555 IS/MND (2022; 21);
- 570 Crespi Drive IS/MND, Pacifica (2022; 40);
- Renaissance Ranch Commerce Center DEIR, Temescal Valley (2022; 53);
- Replies on Glen Ivy Senior Living IS/MND, Temescal Valley (2022; 24);
- Glen Ivy Senior Living IS/MND, Temescal Valley (2022; 46);
- FedEx Distribution Warehouse IS, Lancaster (2022; 35);
- Urban Villages EIR Addendum, San Marcos (2022; 32);
- NextEra San Ardos Solar IS/ND, San Ardo (2022; 20);
- Summit Avenue Warehouse IS/MND, Fontana (2022; 28);
- Gateway at the Oaks DEIR, Thousand Oaks (2022; 30);
- Primrose and Adelanto Warehouse CEQA Exemption, Adelanto (2022; 11);
- Fore Apartments Staff Report, Oxnard (2022; 29);

- 975 Manhattan Rd. discretionary approval, Los Angeles (2022; 12);
- Coachillin DEIR, North Palm Springs (2022; 30);
- 2740 W. Nielsen Ave Warehouse IS/MND, Fresno (2022; 25);
- Golf Center Warehouse Staff Report, Indio (2022; 26);
- Desert Peak Energy IS/MND, Palm Springs (2022; 26);
- Replies on Greentree FEIR, Vacaville (2022; 13);
- Greentree DEIR, Vacaville (2022; 31);
- Town Center DEIR, Laguna Niguel (2022; 16);
- 2nd Replies on Freedom Circle Focus Area and Greystar General Plan Amendment Project FEIR, San Jose (2022; 3);
- Corydon III CEQA Categorical Exemption, Lake Elsinore (2022; 11);
- Park Edge Apartments IS/MND, Santa Maria (2022; 30);
- Replies on UCSF New Hospital FEIR at Parnassus Heights FEIR. San Francisco (2022; 13);
- Replies on North Central Valley BESS Project IS/MND, Stockton (2022; 21);
- 9248 Holly Road Cannabis CEQA Exemption, Adelanto (2022; 12);
- Replies on Amazing 34 Distribution Center IS/MND, San Bernardino (2022; 10);
- Amazing 34 Distribution Center IS/MND, San Bernardino (2022; 28);
- Replies on Freedom Circle Focus Area and Greystar General Plan Amendment Project FEIR, San Jose (2022; 5);
- Replies on Alviso Hotel Project IS/MND, San Jose (2022; 49);
- Bussetto Foods IS/ND, Fresno (2022; 34);
- Spruce Ave Commerce Center, Rialto (2022;);
- 5006 and 5010 Mission Boulevard Warehouse IS/MND, Montclair (2022; 18);
- Conejo Summit IS/MND, Thousand Oaks (2022; 28);
- Sixth visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2022; 4);
- TC NO. CAL. Development Warehousing and Distribution Facility Project DEIR, Stockton (2022; 33);
- Replies on Davidon Homes FEIR, Petaluma (2022; 49);
- Rural preservation and net conservation benefit coalition reply to post hearing briefs, Garnet Solar (2022; 24);
- Garnet Solar direct testimony, New York (2022; 17);
- Fifth visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2022; 11);
- Shirk & Riggin Industrial Park Application, Visalia (2022; 22);
- Duarte Industrial Application, Visalia (2022; 17);
- Amond World Cold Storage Warehouse IS/MND, Madera (2022; 23);
- Replies on Schulte Logistics Centre EIR, Tracy (2022; 28);
- Alta Cuvee Mixed Use Project Recirculated IS/MND, Ranch Cucamonga (2022; 8);
- Fourth visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2022; 9);
- Replies on 1242 20th Street Wellness Center Project FEIR, Santa Monica (2022; 5);
- 656 South San Vicente Medical Office Project EIR, Los Angeles (2022; 21);
- UCSF New Hospital at Parnassus Heights DEIR. San Francisco (2022; 40);
- DPR-21-021 Warehouse IS, Modesto (2022; 19);
- Ormat Brawley Solar Project DEIR, Brawley (2022; 37);
- Site visits to Heber 1 Geothermal Repower Project IS/MND (2022; 31);

- Heritage Industrial Center Design Review, Chula Vista (2022; 13);
- Temporary Outdoor Vehicle Storage DEIR, Port of Hueneme (2022; 31);
- CNU Medical Center and Innovation Park DEIR, Natomas (2022; 35);
- Beverly Boulevard Warehouse IS/MND, Pico Rivera (2021; 28);
- Hagemon Properties IS/MND Amendment, Bakersfield (2022; 23);
- Airport Distribution Center IS/MND, Redding (2021; 22);
- Orchard on Nevada Warehouse Staff Report, Redlands (2021; 24);
- Landings Logistics Center Exemption, Bakersfield (2021; 19);
- Replies on Hearn Veterans Village IS/MND, Santa Rosa (2021; 22);
- North Central Valley BESS Project IS/MND, Stockton (2021; 39);
- 2nd Replies on Heber 1 Geothermal Repower Project IS/MND (2022; 21);
- Stagecoach Solar DEIR, Barstow (2021; 24);
- Updated Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2021; 35);
- Freedom Circle Focus Area and Greystar General Plan Amendment Project EIR, San Jose (2021; 43);
- Operon HKI Warehouse IS/MND, Perris (2021; 26);
- Fairway Business Park Phase III IS/MND, Lake Elsinore (2021; 23);
- South Stockton Commerce Center IS/MND, Stockton (2021; 31);
- Starpoint Warehouse IS/MND, San Bernardino (2021; 24);
- Replies on Heber 1 Geothermal Repower Project IS/MND (2021; 15);
- Heber 1 Geothermal Repower Project IS/MND (2021; 11);
- Alviso Hotel Project IS/MND, San Jose (2021; 43);
- Replies on Easton Research Park West IS/MND, Rancho Cordova (2021; 3);
- Easton Research Park West IS/MND, Rancho Cordova (2021; 31);
- US Cold Storage DEIR, Hesperia (2021; 30);
- 1242 20th Street Wellness Center Project FEIR, Santa Monica (2021; 23);
- Third visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 10);
- Roseland Creek Community Park Project IS/MND, Santa Rosa (2021; 23);
- Vista Mar Declaration of Irreparable Harm, Pacifica (2021; 3);
- LogistiCenter at Fairfield IS/MND (2021; 25);
- Alta Cuvee Mixed Use Project IS/MND, Ranch Cucamonga (2021; 29);
- Caligrows Architectural and Site Plan Review, Patterson (2021; 21);
- 1055 E. Sandhill Avenue Warehouse IS/MND, Carson (2021; 10);
- Chestnut & Tenth Street Commercial Project IS/MND, Gilroy (2021; 27);
- Libitzky Management Warehouse IS/MND, Modesto (2021; 20);
- 3rd Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2021; 10);
- Medical Office Building DEIR, Santa Cruz (2021; 30);
- Scannell Warehouse DEIR, Richmond (2021; 24);
- Diamond Heights Application, San Francisco (2021; 24);
- Costa Azul Mixed-Use EIR Addendum, San Diego (2021; 25);
- Woodland Research Park DEIR (2021; 45);
- 2nd Replies on Diamond Street Industrial IS/MND, San Marcos (2021; 9);
- Replies on Diamond Street Industrial IS/MND, San Marcos (2021; 3);

- Diamond Street Industrial IS/MND, San Marcos (2021; 28);
- DHS 109 Industrial Park IS/MND, Desert Hot Springs (2021; 33);
- Jersey Industrial Complex Rancho Cucamonga (2022; 22);
- 1188 Champions Drive Parking Garage Staff Report, San Jose (2021; 5);
- San Pedro Mountain, Pacifica (2021; 22);
- Pixior Warehouse IS/MND, Hesperia (2021; 29);
- 2nd Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2021; 9);
- Hearn Veterans Village IS/MND, Santa Rosa (2021; 23);
- Second visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 11);
- Replies on Station East Residential/Mixed Use EIR, Union City (2021; 26);
- Schulte Logistics Centre EIR, Tracy (2021; 30);
- 4150 Point Eden Way Industrial Development EIR, Hayward (2021; 13);
- Airport Business Centre IS/MND, Manteca (2021; 27);
- Dual-branded Hotel IS/MND, Santa Clara (2021; 26);
- Legacy Highlands Specific Plan EIR, Beaumont (2021; 47);
- UC Berkeley LRDP and Housing Projects #1 and #2 EIR (2021; 27);
- Santa Maria Airport Business Park EIR, Santa Maria (2021; 27);
- Replies on Coachella Valley Arena EIR Addendum, Thousand Palms (2021; 20);
- Coachella Valley Arena EIR Addendum, Thousand Palms (2021; 35);
- Inland Harbor Warehouse NOD, Ontario (2021; 8);
- Alvarado Specific Plan DEIR, La Mesa (2021; 35);
- Harvill Avenue and Rider Street Terminal Project MND, Riverside (2021; 23);
- Gillespie Field EIR Addendum, El Cajon (2021; 28);
- Heritage Wind Energy Project section 94-c siting process, New York (2021; 99);
- Commercial Street Hotels project Site Plans, Oakland (2021; 19);
- Heber 1 Geothermal Repower Project MND, El Centro (2021; 11);
- Citrus-Slover Warehouse Project MND, Fontana (2021; 20);
- Scott Ranch Project RDEIR (Davidon Homes), Petaluma (2021; 31);
- Replies on StratosFuel Renewable H2 Project MND, Victorville (2021; 5);
- StratosFuel Renewable H2 Project MND, Victorville (2021; 25);
- Replies on PARS Global Storage MND, Murietta (2021; 22);
- Baldwin-Zacharias Master Plans EIR, Patterson (2021; 38);
- 1000 Gibraltar Drive EIR, Milpitas (2021; 20);
- Mango Avenue Industrial Warehouse Project, Fontana, MND (2021; 20);
- Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 25);
- 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);
- 2nd 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);
- 2nd 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, Rialto (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);
- 2nd 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);
- 2nd 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);
- 2nd 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);
- 2nd 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);
- 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 IS/MND 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);

Volunteer 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

Smallwood, K.S. Ecology and recent population trend of burrowing owls in the Altamont Pass Wind Resource Area. The Wildlife Society – Western Section Burrowing Owl Symposium, Riverside, California, 6 February 2023.

Smallwood, K.S. Renewable energy impacts to burrowing owls. The Wildlife Society – Western Section Burrowing Owl Symposium, Riverside, California, 7 February 2023.

Smallwood, K.S. and D.A. Bell. Long-Term Population Trend of Burrowing Owls in Vasco Caves. Via Zoom to Audubon Society, 21 October 2021.

Long-Term Population Trend of Burrowing Owls in the Altamont. Golden Gate Audubon, 21 October 2020.

Long-Term Population Trend of Burrowing Owls in the Altamont. East Bay Regional Park District 2020 Stewardship Seminar, Oakland, California, 18 November 2020.

Smallwood, K.S., D.A. Bell, and S. Standish. Dogs detect larger wind energy effects on bats and birds. The Wildlife Society, 28 September 2020.

Smallwood, K.S. and D.A. Bell. Effects of wind turbine curtailment on bird and bat fatalities in the Altamont Pass Wind Resource Area. The Wildlife Society, 28 September 2020.

Smallwood, K.S., D.A. Bell, and S. Standish. Dogs detect larger wind energy effects on bats and birds. The Wildlife Survey, 7 February 2020.

Smallwood, K.S. and D.A. Bell. Effects of wind turbine curtailment on bird and bat fatalities in the Altamont Pass Wind Resource Area. The Wildlife Survey, 7 February 2020.

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) 13th 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 (*Geomysidae*) 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, Asylomar, 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)

Journal	Journal
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
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
Conservation Biology	Biology Open
Western Wildlife	PLOS One
Heliyon	Global Ecology and Conservation
Wildlife Monographs	Renewable and Sustainable Energy Reviews
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

EXHIBIT B

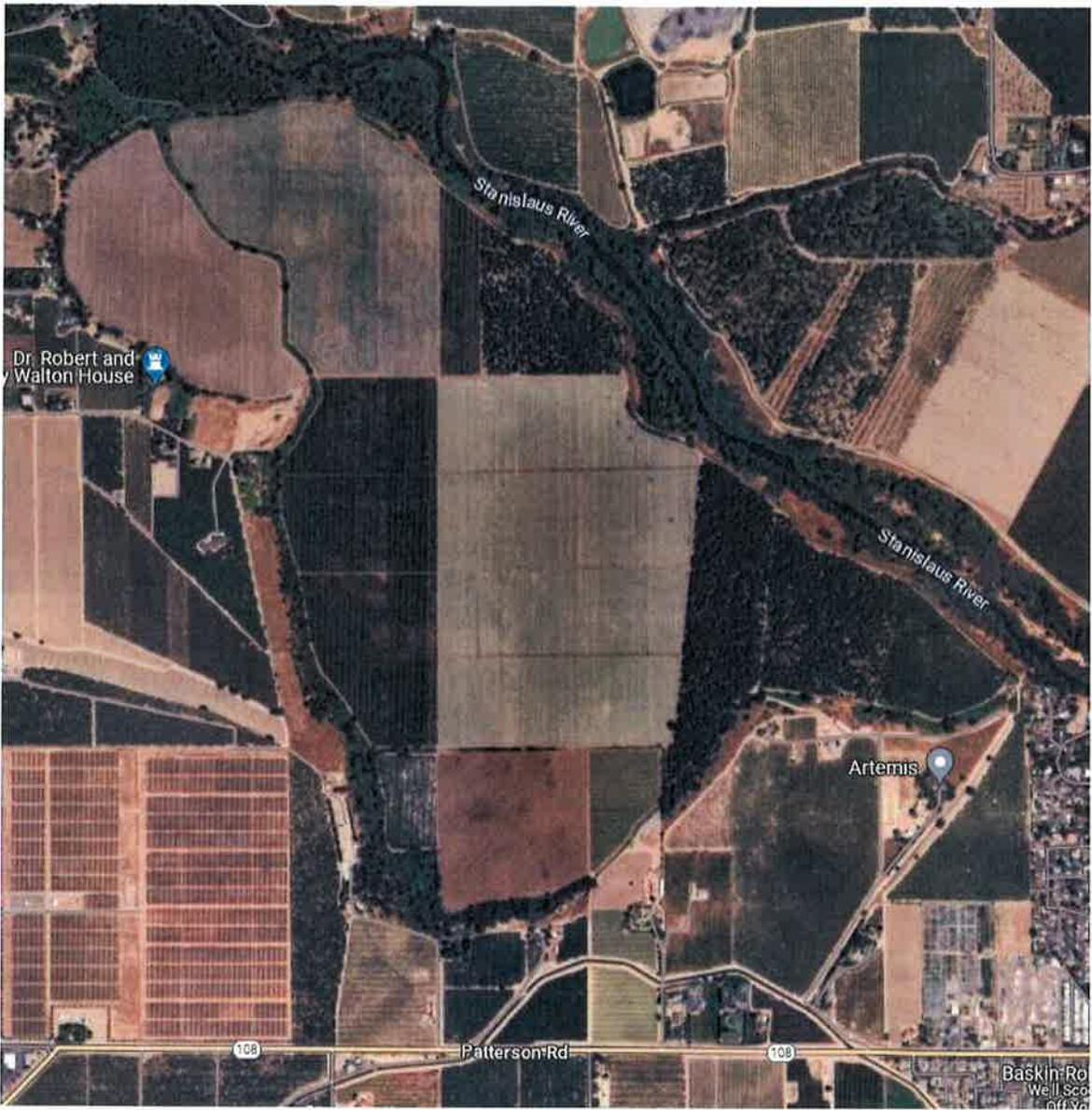


Plate 1: Overview of Project Site

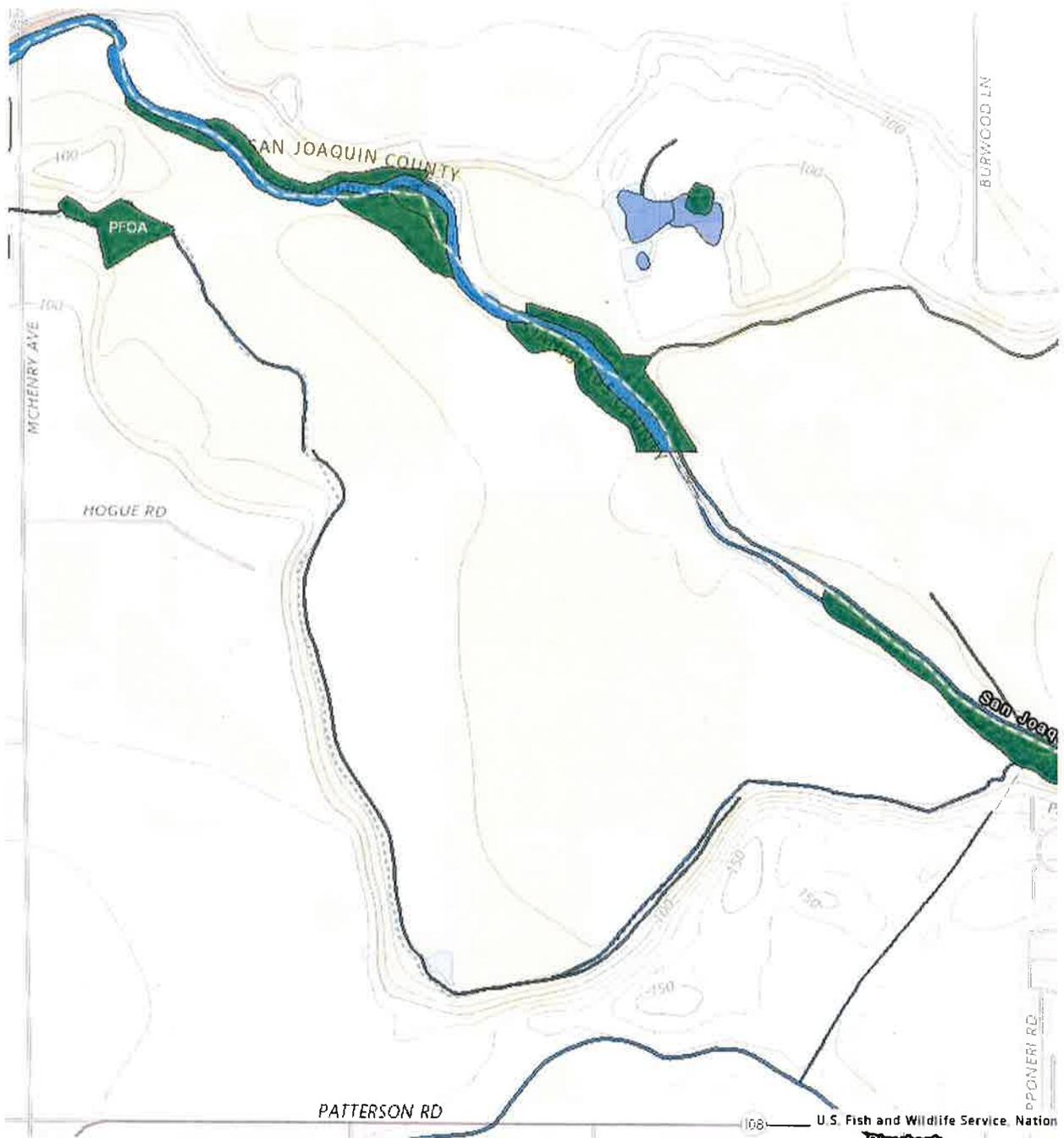


Plate 2: DEIR Failed to Identify Wetlands Marked as PFOA (Palustrine, forested, temporarily flooded) and Creek Shown with Dotted Blue Line in U.S. Fish and Wildlife Service National Wetlands Inventory

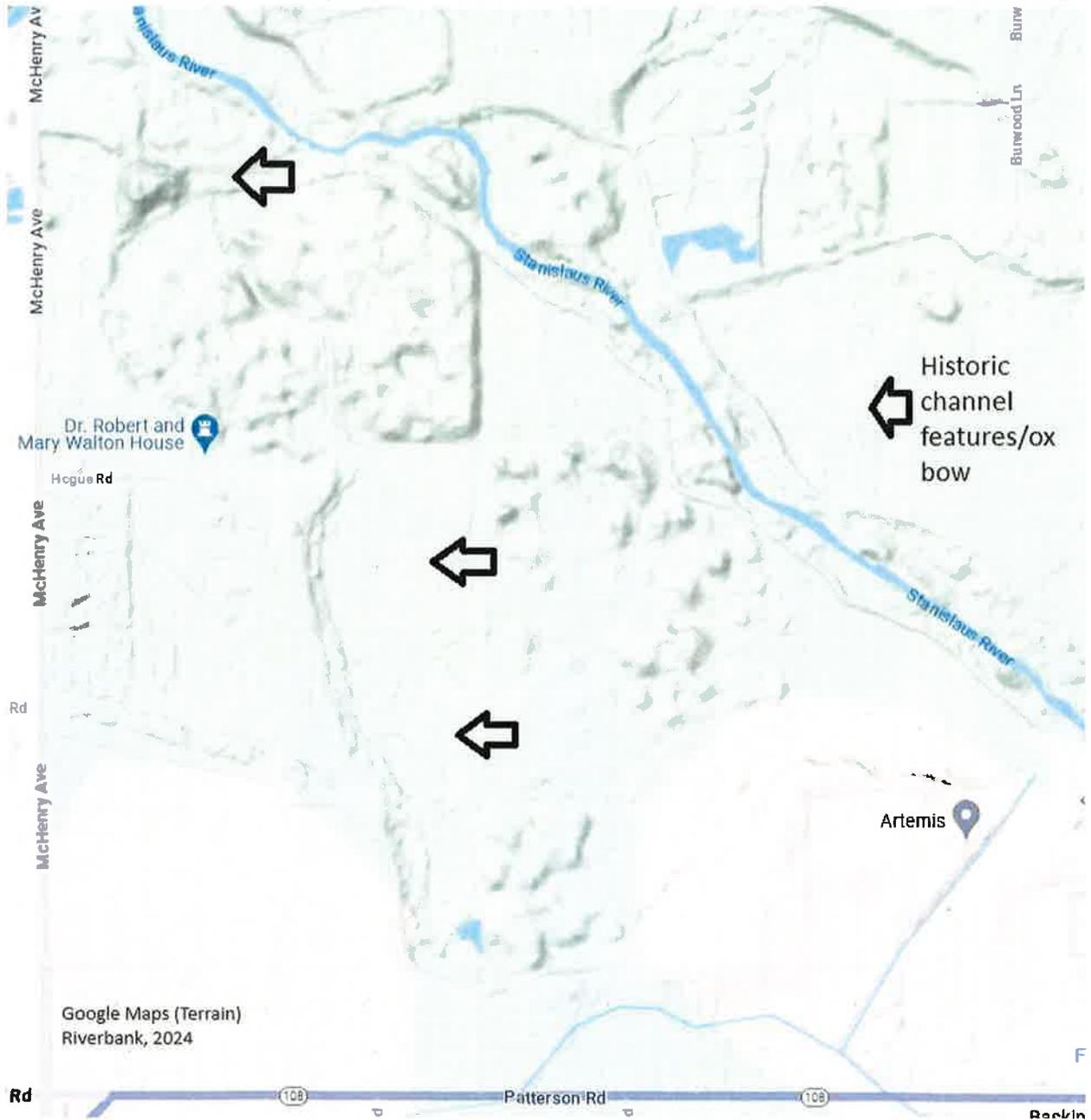


Plate 3: Project is Proposed within the Historic Channel and Floodplain; Arrows Show Water Movement Direction Due to Topography.

ATTACHMENT 2



CALIFORNIA DEPARTMENT OF WATER RESOURCES

SUSTAINABLE GROUNDWATER MANAGEMENT OFFICE

715 P Street, 8th Floor | Sacramento, CA 95814 | P.O. Box 942836 | Sacramento, CA 94236-0001

January 18, 2024

Eric Thorburn
Oakdale Irrigation District
1205 East F Street
Oakdale CA 95361
ethorburn@oakdaleirrigation.com

RE: San Joaquin Valley – Modesto Subbasin - 2022 Groundwater Sustainability Plan

Dear Eric Thorburn,

The Department of Water Resources (Department) has evaluated the groundwater sustainability plan (GSP or Plan) submitted for the San Joaquin Valley – Modesto Subbasin. The Department has determined that the Plan is “incomplete” pursuant to Section 355.2(e)(2) of the GSP Regulations.

The Department based its incomplete determination on recommendations from the Staff Report, included as an enclosure to the attached Statement of Findings, which describes that the Subbasin’s Plan does not satisfy the objectives of the Sustainable Groundwater Management Act (SGMA) nor substantially comply with the GSP Regulations. The Staff Report also provides corrective actions which the Department recommends the Subbasin’s groundwater sustainability agency (GSA) review while determining how to address the deficiencies.

The Subbasin’s GSA has 180 days, the maximum allowed by the GSP Regulations, to address the identified deficiencies. Where addressing the deficiencies requires modification of the Plan, the GSA must adopt those modifications into the respective GSP and all applicable coordination agreement materials, or otherwise demonstrate that those modifications are part of the Plan before resubmitting it to the Department for evaluation no later than July 16, 2024. The Department understands that much work has occurred to advance sustainable groundwater management since the GSA submitted the GSP in January 2022. To the extent to which those efforts are related or responsive to the Department’s identified deficiencies, we encourage you to document that as part of your Plan resubmittal. The Department prepared a [Frequently Asked Questions](#) document to provide general information and guidance on the process of addressing deficiencies in an “incomplete” determination.

Department staff will work expeditiously to review the revised components of your Plan resubmittal. If the revisions sufficiently address the identified deficiencies, the Department will determine that the Plan is “approved”. In that scenario, Department staff will identify additional recommended corrective actions that the GSAs should address early in implementing the GSP (i.e., no later than the first required periodic evaluation).

Among other items, those corrective actions will recommend the GSAs provide more detail on the plans and schedules to address data gaps. Those recommendations will call for significantly expanded documentation of the plans and schedules to implement specific projects and management actions. Regardless of those recommended corrective actions, the Department expects the first periodic evaluations, required no later than January 2027 – one-quarter of the way through the 20-year implementation period – to document significant progress toward achieving sustainable groundwater management.

If the Subbasin's GSA cannot address the deficiencies identified in this letter by July 16, 2024, then the Department, after consultation with the State Water Resources Control Board, will determine the GSP to be "inadequate". In that scenario, the State Water Resources Control Board may identify additional deficiencies that the GSA would need to address in the state intervention processes outlined in SGMA.

Please contact Sustainable Groundwater Management staff by emailing sgmps@water.ca.gov if you have any questions related to the Department's assessment or implementation of your GSP.

Thank You,

Paul Gosselin

Paul Gosselin
Deputy Director
Sustainable Groundwater Management

Attachment:

1. Statement of Findings Regarding the Determination of Incomplete Status of the San Joaquin Valley – Modesto Subbasin Groundwater Sustainability Plan

**STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES**

**STATEMENT OF FINDINGS REGARDING THE
DETERMINATION OF INCOMPLETE STATUS OF THE
SAN JOAQUIN VALLEY - MODESTO SUBBASIN
GROUNDWATER SUSTAINABILITY PLAN**

The Department of Water Resources (Department) is required to evaluate whether a submitted groundwater sustainability plan (GSP or Plan) conforms to specific requirements of the Sustainable Groundwater Management Act (SGMA or Act), is likely to achieve the sustainability goal for the Subbasin, and whether the GSP adversely affects the ability of an adjacent basin or subbasin to implement its GSP or impedes achievement of sustainability goals in an adjacent basin or subbasin. (Water Code § 10733.) The Department is directed to issue an assessment of the GSP within two years of its submission. (Water Code § 10733.4.) This Statement of Findings explains the Department's decision regarding the submitted Plan by the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency and the County of Tuolumne Groundwater Sustainability Agency (GSAs or Agencies) for the San Joaquin Valley - Modesto Subbasin (Basin No. 5-022.02).

Department management has reviewed the enclosed Staff Report, which recommends that the identified deficiencies should preclude approval of the GSP. Based on its review of the Staff Report, Department management is satisfied that staff have conducted a thorough evaluation and assessment of the Plan and concurs with, and hereby adopts, staff's recommendation and all the corrective actions provided. The Department thus determines the Plan **Incomplete** based on the staff assessments and recommendations. In particular, the Department finds:

- A. The GSAs must provide more detailed explanation and justification regarding the selection for the sustainable management criteria for the chronic lowering of groundwater sustainability indicator. Department staff recommend the GSAs consider and address the following:
1. The GSAs should revise the GSP to include a complete and thorough discussion of how the interests of beneficial uses and users of groundwater in the Subbasin have been considered. Department staff recommend that additional assessment be conducted to understand the impacts to beneficial uses and users from continued overdraft, including what impacts may result if groundwater levels reach the established interim milestones in 2027. The GSP should also include a well impact analysis identifying the anticipated number and location of wells that may

go dry during the 20-year implementation period based on the proposed interim milestones, for how long they may go dry, and the impacts to land uses and property interests, among others. Additionally, the GSP should include a discussion of how its approach to groundwater management may affect all identified beneficial uses and users in the Subbasin, including environmental users.

2. The GSAs should revise the GSP to describe how impacts to wells experienced at interim milestone levels below minimum thresholds will be managed or mitigated. If the GSAs plan to implement a well mitigation program to avoid causing significant and unreasonable effects to beneficial uses and users, details such as the number of wells anticipated to be eligible for the program, estimated costs, funding sources, and an implementation schedule should be included in the GSP. The GSAs should revise the GSP to include an analysis describing whether or how managing the Subbasin to allow groundwater levels to drop to interim milestone levels that are below the established minimum thresholds will avoid causing undesirable results for other sustainability indicators.
 3. The GSAs should revise the GSP to include an analysis describing whether or how managing the Subbasin to allow groundwater levels to drop to interim milestone levels that are below the established minimum thresholds will avoid causing undesirable results for other sustainability indicators.
- B. The GSAs should revise the GSP to provide specific details of feasible projects and management actions that will be implemented to mitigate overdraft and that will raise groundwater levels from interim milestones towards the minimum thresholds and measurable objectives to achieve sustainability in the Subbasin. Specifically, the Plan must be amended as follows:
1. The GSAs should revise the GSP to include a reasonable means to arrest groundwater level declines and stop the overdraft that is continuing to occur in the Subbasin. Specifically, the GSAs should describe feasible, effective proposed projects and management actions that are commensurate with the level of understanding of groundwater conditions in the Subbasin and provide sufficient details for Department staff to be able to clearly evaluate how the Plan's projects and management actions will ensure achieving the sustainability goal in the Subbasin.
 2. The GSAs should revise the GSP to include a feasible collection of projects and management actions to raise groundwater levels to avoid

Statement of Findings
San Joaquin Valley - Modesto Subbasin (No. 5-022.02)

January 18, 2024

undesirable results that would occur as a result of groundwater levels dropping below minimum thresholds towards the proposed interim milestones levels.

Based on the above, the GSP submitted by the Agencies for the San Joaquin Valley – Modesto Subbasin is determined to be incomplete because the GSP does not satisfy the requirements of SGMA, nor does it substantially comply with the GSP Regulations. The corrective actions provided in the Staff Report are intended to address the deficiencies that, at this time, preclude approval. The Agencies have up to 180 days to address the deficiencies outlined above and detailed in the Staff Report. Once the Agencies resubmit their Plan, the Department will review the revised GSP to evaluate whether the deficiencies were adequately addressed. Should the Agencies fail to take sufficient actions to correct the deficiencies identified by the Department in this assessment, the Department shall disapprove the Plan if, after consultation with the State Water Resources Control Board, the Department determines the Plan inadequate pursuant to 23 CCR § 355.2(e)(3)(C).

Signed:

Karla Nemeth

Karla Nemeth, Director

Date: January 18, 2024

Enclosure: Groundwater Sustainability Plan Assessment Staff Report – San Joaquin Valley – Modesto Subbasin

State of California
Department of Water Resources
Sustainable Groundwater Management Program
Groundwater Sustainability Plan Assessment
Staff Report

Groundwater Basin Name: San Joaquin Valley – Modesto Subbasin (No. 5-022.02)
Stanislaus and Tuolumne Rivers Groundwater Basin
Submitting Agency: Association Groundwater Sustainability Agency,
County of Tuolumne Groundwater Sustainability Agency
Submittal Type: Initial GSP Submission
Submittal Date: January 31, 2022
Recommendation: Incomplete
Date: January 18, 2024

The Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency and the County of Tuolumne Groundwater Sustainability Agency (collectively, the GSAs) jointly submitted the Modesto Subbasin Groundwater Sustainability Plan (GSP or Plan) to the Department of Water Resources (Department) for evaluation and assessment as required by the Sustainable Groundwater Management Act (SGMA)¹ and the GSP Regulations.² The GSP covers the entire San Joaquin Valley – Modesto Subbasin (Subbasin) for the implementation of SGMA.

Evaluation and assessment by the Department is based on whether an adopted and submitted GSP, either individually or in coordination with other adopted and submitted GSPs, complies with SGMA and substantially complies with the GSP Regulations. Department staff base their assessment on information submitted as part of an adopted GSP, public comments submitted to the Department, and other materials, data, and reports that are relevant to conducting a thorough assessment. Department staff have evaluated the GSP and have identified deficiencies that staff recommend should preclude its approval.³ In addition, consistent with the GSP Regulations, Department staff have provided corrective actions⁴ that the GSAs should review while determining how and whether to address the deficiencies. The deficiencies and corrective actions are explained in greater detail in Section 3 of this staff report and are generally related to the need to define sustainable management criteria in the manner required by SGMA and the GSP Regulations.

¹ Water Code § 10720 *et seq.*

² 23 CCR § 350 *et seq.*

³ 23 CCR §355.2(e)(2).

⁴ 23 CCR §355.2(e)(2)(B).

This assessment includes four sections:

- **Section 1 – Evaluation Criteria**: Describes the legislative requirements and the Department’s evaluation criteria.
- **Section 2 – Required Conditions**: Describes the submission requirements, GSP completeness, and basin coverage required for a GSP to be evaluated by the Department.
- **Section 3 – Plan Evaluation**: Provides a detailed assessment of identified deficiencies in the GSP. Consistent with the GSP Regulations, Department staff have provided corrective actions for the GSAs to address the deficiencies.
- **Section 4 – Staff Recommendation**: Provides staff’s recommendation regarding the Department’s determination.

1 EVALUATION CRITERIA

The Department evaluates whether a Plan conforms to the statutory requirements of SGMA⁵ and is likely to achieve the basin’s sustainability goal.⁶ To achieve the sustainability goal, the Plan must demonstrate that implementation will lead to sustainable groundwater management, which means the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results.⁷ Undesirable results are required to be defined quantitatively by the GSAs overlying a basin and occur when significant and unreasonable effects for any of the applicable sustainability indicators are caused by groundwater conditions occurring throughout the basin.⁸ The Department is also required to evaluate whether the Plan will adversely affect the ability of an adjacent basin to implement its groundwater sustainability program or achieve its sustainability goal.⁹

For a Plan to be evaluated by the Department, it must first be determined that it was submitted by the statutory deadline¹⁰ and that it is complete and covers the entire basin.¹¹ Additionally, for those GSAs choosing to develop multiple GSPs, the Plan submission must include a coordination agreement.¹² The coordination agreement must explain how the multiple GSPs in the basin have been developed and implemented utilizing the same data and methodologies and that the elements of the multiple GSPs are based upon consistent interpretations of the basin’s setting. If these required conditions are satisfied, the Department evaluates the Plan to determine whether it complies with SGMA and substantially complies with the GSP Regulations.¹³ As stated in the GSP Regulations,

⁵ Water Code §§ 10727.2, 10727.4, 10727.6.

⁶ Water Code § 10733(a).

⁷ Water Code § 10721(v).

⁸ 23 CCR § 354.26.

⁹ Water Code § 10733(c).

¹⁰ 23 CCR § 355.4(a)(1).

¹¹ 23 CCR §§ 355.4(a)(2), 355.4(a)(3).

¹² 23 CCR § 357.4.

¹³ 23 CCR § 350 *et seq.*

“[s]ubstantial compliance means that the supporting information is sufficiently detailed and the analyses sufficiently thorough and reasonable, in the judgment of the Department, to evaluate the Plan, and the Department determines that any discrepancy would not materially affect the ability of the Agency to achieve the sustainability goal for the basin, or the ability of the Department to evaluate the likelihood of the Plan to attain that goal.”¹⁴

When evaluating whether the Plan is likely to achieve the sustainability goal for the basin, Department staff review the information provided for sufficiency, credibility, and consistency with scientific and engineering professional standards of practice.¹⁵ The Department’s review considers whether there is a reasonable relationship between the information provided by the GSAs and the assumptions and conclusions presented in the Plan, including: whether the interests of the beneficial uses and users of groundwater in the basin have been considered; whether sustainable management criteria and projects and management actions described in the Plan are commensurate with the level of understanding of the basin setting; and whether those projects and management actions are feasible and likely to prevent undesirable results.¹⁶ The Department also considers whether the GSAs have the legal authority and financial resources necessary to implement the Plan.¹⁷

To the extent overdraft is present in a basin, the Department evaluates whether the Plan provides a reasonable assessment of the overdraft and includes reasonable means to mitigate it.¹⁸ When applicable, the Department will assess whether coordination agreements have been adopted by all relevant parties and satisfy the requirements of SGMA and the GSP Regulations.¹⁹ The Department also considers whether the Plan provides reasonable measures and schedules to eliminate identified data gaps.²⁰ Lastly, the Department’s review considers the comments submitted on the Plan and evaluates whether the GSAs have adequately responded to the comments that raise credible technical or policy issues with the Plan.²¹

The Department is required to evaluate the Plan within two years of its submittal date and issue a written assessment.²² The assessment is required to include a determination of

¹⁴ 23 CCR § 355.4(b).

¹⁵ 23 CCR § 351(h).

¹⁶ 23 CCR §§ 355.4(b)(1), (3), (4) and (5).

¹⁷ 23 CCR § 355.4(b)(9).

¹⁸ 23 CCR § 355.4(b)(6).

¹⁹ 23 CCR § 355.4(b)(8).

²⁰ 23 CCR § 355.4(b)(2).

²¹ 23 CCR § 355.4(b)(10).

²² Water Code § 10733.4(d); 23 CCR § 355.2(e).

the Plan's status.²³ The GSP Regulations provide three options for determining the status of a Plan: approved,²⁴ incomplete,²⁵ or inadequate.²⁶

Even when the Department determines a Plan is approved, indicating that it satisfies the requirements of SGMA and is in substantial compliance with the GSP Regulations, the Department may still recommend corrective actions.²⁷ Recommended corrective actions are intended to facilitate progress in achieving the sustainability goal within the basin and the Department's future evaluations, and to allow the Department to better evaluate whether implementation of the Plan adversely affects adjacent basins. While the issues addressed by the recommended corrective actions in an approved Plan do not, at the time the determination was made, preclude its approval, the Department recommends that the issues be addressed to ensure the Plan's implementation continues to be consistent with SGMA and the Department is able to assess progress in achieving the basin's sustainability goal.²⁸ Unless otherwise noted, the Department proposes that recommended corrective actions be addressed by the submission date for the first periodic assessment.²⁹

After review of the Plan, Department staff may conclude that the information provided is not sufficiently detailed, or the analyses not sufficiently thorough and reasonable, to evaluate whether it is likely to achieve the sustainability goal for the basin. If the Department determines the deficiencies precluding approval may be capable of being corrected by the GSAs in a timely manner,³⁰ the Department will determine the status of the Plan to be incomplete. A Plan deemed incomplete may be revised and resubmitted to the Department for reevaluation of whether all deficiencies have been addressed and incorporated into the Plan within 180 days after the Department makes its incomplete determination. The Department will review the revised Plan to evaluate whether the identified deficiencies were sufficiently addressed. Depending on the outcome of that evaluation, the Department may determine the resubmitted Plan is approved. Alternatively, the Department may find a formerly deemed incomplete GSP is inadequate if, after consultation with the State Water Resources Control Board, it determines that the GSAs have not taken sufficient actions to correct any identified deficiencies.³¹

The staff assessment of the Plan involves the review of information presented by the GSAs, including models and assumptions, and an evaluation of that information based on scientific reasonableness. In conducting its assessment, the Department does not recalculate or reevaluate technical information provided in the Plan or perform its own geologic or engineering analysis of that information. The recommendation to approve a

²³ Water Code § 10733.4(d); 23 CCR § 355.2(e).

²⁴ 23 CCR § 355.2(e)(1).

²⁵ 23 CCR § 355.2(e)(2).

²⁶ 23 CCR § 355.2(e)(3).

²⁷ Water Code § 10733.4(d).

²⁸ Water Code § 10733.8.

²⁹ 23 CCR § 356.4.

³⁰ 23 CCR § 355.2(e)(2)(B)(i).

³¹ 23 CCR § 355.2(e)(3)(C).

Plan does not signify that Department staff, were they to exercise the professional judgment required to develop a Plan for the basin, would make the same assumptions and interpretations as those contained in the Plan, but simply that Department staff have determined that the assumptions and interpretations relied upon by the submitting GSAs are supported by adequate, credible evidence, and are scientifically reasonable.

Lastly, the Department's review and assessment of an approved Plan is a continual process. Both SGMA and the GSP Regulations provide the Department with the ongoing authority and duty to review the implementation of the Plan.³² Also, GSAs have an ongoing duty to reassess their GSPs, provide annual reports to the Department, and, when necessary, update or amend their GSPs.³³ The passage of time or new information may make what is reasonable and feasible at the time of this review to not be so in the future. The emphasis of the Department's periodic reviews will be to assess the GSA's progress toward achieving the basin's sustainability goal and whether implementation of the Plan adversely affects the ability of GSAs in adjacent basins to achieve their sustainability goals.

2 REQUIRED CONDITIONS

A GSP, to be evaluated by the Department, must be submitted within the applicable statutory deadline.³⁴ The GSP must also be complete and must, either on its own or in coordination with other GSPs, cover the entire basin. If a GSP is determined to be incomplete, Department staff may require corrective actions that address minor or potentially significant deficiencies identified in the GSP. The GSAs in a basin, whether developing a single GSP covering the basin or multiple GSPs, must sufficiently address those required corrective actions within the time provided, not to exceed 180 days, for the GSP to be reevaluated by the Department and potentially approved.

2.1 SUBMISSION DEADLINE

SGMA required basins categorized as high- or medium-priority as of January 1, 2017 and to submit a GSP no later than January 31, 2022.³⁵

The GSAs submitted the Modesto Subbasin GSP to the Department on January 31, 2022 in compliance with the statutory deadline.

³² Water Code § 10733.8; 23 CCR § 355.6.

³³ Water Code §§ 10728, 10728.2.

³⁴ Water Code § 10720.7.

³⁵ Water Code § 10720.7(a)(2).

2.2 COMPLETENESS

GSP Regulations specify that the Department shall evaluate a GSP if that GSP is complete and includes the information required by SGMA and the GSP Regulations.³⁶

The GSAs submitted an adopted GSP for the entire Subbasin. Department staff found the Modesto Subbasin GSP to be complete and include the required information, sufficient to warrant a thorough evaluation by the Department. Therefore, the Department posted the GSP to its website on February 14, 2022.

2.3 BASIN COVERAGE

A GSP, either on its own or in coordination with other GSPs, must cover the entire basin.³⁷ A GSP that intends to cover the entire basin may be presumed to do so if the basin is fully contained within the jurisdictional boundaries of the submitting GSAs.

The GSP intends to manage the entire Modesto Subbasin and the jurisdictional boundaries of the submitting GSAs appear to cover the entire Subbasin.

3 PLAN EVALUATION

As stated in Section 355.4 of the GSP Regulations, a basin “shall be sustainably managed within 20 years of the applicable statutory deadline consistent with the objectives of the Act.” The Department’s assessment is based on a number of related factors including whether the elements of a GSP were developed in the manner required by the GSP Regulations, whether the GSP was developed using appropriate data and methodologies and whether its conclusions are scientifically reasonable, and whether the GSP, through the implementation of clearly defined and technically feasible projects and management actions, is likely to achieve a tenable sustainability goal for the basin.

Department staff have identified deficiencies in the GSP, the most serious of which preclude staff from recommending approval of the GSP at this time. Department staff believe the GSAs may be able to correct the identified deficiencies within 180 days. Consistent with the GSP Regulations, Department staff are providing corrective actions related to the deficiencies, detailed below, including the general regulatory background, the specific deficiency identified in the GSP, and the specific actions to address the deficiency.

³⁶ 23 CCR § 355.4(a)(2).

³⁷ Water Code § 10727(b); 23 CCR § 355.4(a)(3).

3.1 DEFICIENCY 1. THE GSP DOES NOT PROVIDE SUFFICIENT INFORMATION TO SUPPORT THE SELECTION OF CHRONIC LOWERING OF GROUNDWATER LEVELS SUSTAINABLE MANAGEMENT CRITERIA.

3.1.1 Background

SGMA defines sustainable groundwater management as the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results.³⁸ The avoidance of undesirable results is thus explicitly part of sustainable groundwater management, as established by SGMA, and critical to the success of a GSP. To achieve sustainable groundwater management under SGMA, the basin must experience no undesirable results by the end of the 20-year GSP implementation period and be able to demonstrate an ability to maintain sustainable conditions over the 50-year planning and implementation horizon. SGMA requires the Department to develop and publish best management practices for GSAs.³⁹ The best management practice for sustainable management criteria describe activities, practices, and procedures for defining the sustainable management criteria required by the GSP Regulations.⁴⁰

The definition of undesirable results is critical to the establishment of an objective method to define and measure sustainability for a basin. As an initial matter, SGMA provides a qualitative definition of undesirable results as “one or more” of six specific “effects caused by groundwater conditions occurring throughout the basin.”⁴¹ SGMA identifies the effects related to chronic lowering of groundwater levels as those “...indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon.”

It is up to GSAs to define, in their GSPs, the specific significant and unreasonable effects that would constitute undesirable results and to define the groundwater conditions that would produce those results in their basins.⁴² The GSA’s definition needs to include a description of the processes and criteria relied upon to define undesirable results and must describe and disclose the effect of undesirable results on the beneficial uses and users of groundwater. From this definition, the GSA establishes minimum thresholds, which are quantitative values that represent groundwater conditions at representative monitoring sites that, when exceeded individually or in combination with minimum thresholds at other monitoring sites, may cause the basin to experience undesirable results.⁴³ Put another way, the minimum thresholds represent conditions that, if not

³⁸ Water Code § 10721(v).

³⁹ Water Code § 10729.

⁴⁰ 23 CCR § 350 et seq.

⁴¹ Water Code § 10721(x).

⁴² 23 CCR § 354.26.

⁴³ 23 CCR § 354.28, DWR Best Management Practices for the Sustainable Management of Groundwater: Sustainable Management Criteria (DRAFT), November 2017.

exceeded, should prevent the basin from experiencing the undesirable results identified by the GSA.

Some basins may experience undesirable results within the 20-year period, particularly if the basin already had or was experiencing undesirable results as of January 1, 2015. The occurrence of one or more undesirable results within the initial 20-year period does not, by itself, necessarily indicate that a basin is not being managed sustainably, or that it will not achieve sustainability within the 20-year period. For example, a basin that experiences a period of minimum threshold exceedance can still be sustainably managed if the GSA has planned for that period of exceedances via their interim milestones, and if the GSA has a feasible and effective plan to implement necessary projects and management actions to eliminate the undesirable result and achieve the measurable objective. Note that if the GSA has not planned for continued groundwater level decline via appropriate interim milestones or has not implemented the necessary projects and management actions to eliminate the undesirable result, the Department may determine that the GSA is not likely to achieve the sustainability goal for the basin within the 20-year period.⁴⁴ The GSP Regulations also require the Department to evaluate whether the minimum thresholds and interim milestones are reasonable⁴⁵ and established in a manner to avoid undesirable results for each of the other sustainability indicators.⁴⁶

SGMA leaves the task of establishing undesirable results, minimum thresholds, measurable objectives, and interim milestones largely to the discretion of the GSA, subject to review by the Department. In its review, the Department requires a thorough and reasonable analysis of the groundwater conditions the GSA is trying to avoid, and the GSA's stated rationale for setting objective and quantitative sustainable management criteria to prevent those conditions from occurring. If a Plan does not meet this requirement, the Department is unable to evaluate the likelihood of the Plan achieving its sustainability goal. This does not necessarily mean that the GSP or its objectives are inherently unreasonable; however, it is unclear which conditions the GSA seeks to avoid, making it difficult for the Department to monitor whether the GSA will be successful in that effort or likely to achieve sustainability consistent with SGMA timeframes when implementing its GSP.

GSPs must clearly define a planned pathway to reach sustainability in the form of interim milestones and show actual progress in annual reporting. Failing to eliminate undesirable results within 20 years or failing to implement a GSP to achieve the sustainability goal established for a basin will result in the Department deeming the GSP inadequate and could result in State Water Resources Control Board intervention.

⁴⁴ DWR Best Management Practices for the Sustainable Management of Groundwater: Sustainable Management Criteria (DRAFT), November 2017. (pp. 25-26)

⁴⁵ 23 CCR § 355.4(b)(1).

⁴⁶ 23 CCR § 354.28(b)(2).

3.1.2 Deficiency Details

The Plan describes sustainable management criteria for chronic lowering of groundwater levels in relation to documented historical impacts on beneficial uses and users of groundwater; however, it then establishes interim milestones that are below the minimum thresholds. This proposed management would allow a portion of the Subbasin to operate below minimum thresholds for an extended duration during the 20-year implementation period. However, the GSP fails to include sufficient explanations, rationale, and supporting details regarding: how the GSA has considered beneficial uses and users in developing and adopting this approach, how the GSAs will implement projects and management actions to raise water levels from interim milestones back up to minimum thresholds, and how this approach will avoid undesirable results for other sustainability indicators; therefore, a deficiency that precludes plan approval at this time has been identified.

The GSP defines undesirable results for chronic lowering of groundwater levels as “significant and unreasonable groundwater level declines – either due to multi-year droughts or due to chronic declines where groundwater is the sole supply – such that water supply wells are adversely impacted in a manner that cannot be readily managed or mitigated.”⁴⁷ The quantitative criteria defining when and where groundwater conditions could cause undesirable results to occur is defined as “when at least 33% of representative monitoring wells exceed the MT for a principal aquifer in 3 consecutive Fall monitoring events.”⁴⁸ Three consecutive fall measurements are chosen to manage groundwater based on “long-term trends rather than seasonal fluctuations” and since “three critically dry years (WY 2013 – WY 2015, see Figure 3-2) led to previous undesirable results”.⁴⁹

The GSP identifies the 2014-2017 drought period—when historic groundwater level declines were experienced—as a period when a combination of over-pumping and drought caused adverse impacts to water supply wells, resulting in undesirable results.⁵⁰ Specific examples of adverse impacts to wells during this drought period are provided, such as: failure of 159 domestic wells (representing five percent of the then-current number of domestic wells), loss of capacity in municipal wells, and increased costs associated with replacing or lowering pumps in three agency wells.⁵¹ The GSP notes that impacts to wells that occurred during the recent drought “appear to be mostly mitigated” at current [2021]⁵² groundwater levels.”⁵³ As stated, the GSP strives to avoid similar undesirable results in the future by arresting groundwater levels; therefore, the GSP establishes minimum thresholds as the historical low groundwater level experienced in

⁴⁷ Modesto Subbasin GSP, Table 6-3, p. 332.

⁴⁸ Modesto Subbasin GSP, Table 6-3, p. 332.

⁴⁹ Modesto Subbasin GSP, Section 6.3.1.3, p. 333.g

⁵⁰ Modesto Subbasin GSP, Section 6.3.1.1, p. 329 and Section 6.3.1.2, p. 331.

⁵¹ Modesto Subbasin GSP, Table 6-2, p. 329; Section 6.3.1.3, p. 333

⁵² Modesto Subbasin GSP, Section 6.3.1.3, p. 333.

⁵³ Modesto Subbasin GSP, Section 6.3.1.2, p. 331.

the Subbasin.⁵⁴ Specifically, minimum thresholds are the historical lows that occurred between water year (WY) 1991 to WY 2020, with many minimum thresholds occurring during the 2015-2016 period.⁵⁵

Department staff believe that establishing minimum thresholds based on the historical low groundwater level, largely during the 2015-2016 period, is a reasonable approach since the GSP has disclosed effects at those levels. However, the GSAs intend to allow continued groundwater level declines, below minimum threshold levels, during part of the 20-year implementation period based on the GSP's proposed interim milestones. For wells with observed groundwater level declines over the last seven years, the GSP defines 2027 interim milestones below the minimum thresholds. Given the proposed interim milestones, groundwater levels are likely to exceed (i.e., be below) minimum thresholds in portions of the Subbasin for a period of ten years. Based on information submitted in the 2022 Annual Report, groundwater levels have already fallen below minimum threshold levels in 11 of 50 representative monitoring sites.⁵⁶

The GSP does not describe how the GSAs considered the interests of beneficial uses and users of groundwater in the Subbasin in developing the proposed management approach of lowering groundwater levels below minimum thresholds for an extended period or explain how the Plan is likely to affect those interests. While the GSP does provide an analysis of domestic wells considered to be vulnerable at Fall 2015 groundwater levels, it does not provide a similar analysis at interim milestone groundwater levels, which in portions of the Subbasin will be below historical lows. Department staff believe a thorough analysis of effects on beneficial uses and users of groundwater at interim milestone levels to be necessary and appropriate supporting information to consider and disclose in the Plan because the relevant monitoring wells are in particularly vulnerable parts of the Subbasin (i.e., the eastern portion of the Subbasin and along rivers). Department staff also believe that groundwater conditions at these lower interim milestone levels may cause significant and unreasonable effects in the Subbasin as defined in the Plan, such as impacts to water supply wells that cannot be readily managed or mitigated.⁵⁷ Since the GSP was submitted, the Subbasin has experienced over 15 additional dry wells based on the Household Dry Well Reporting System.⁵⁸ The GSAs should conduct a well impact analysis to fully consider and disclose the potential effects of planned groundwater management to operate the Subbasin below minimum thresholds during the 20-year implementation period (see Corrective Action 1a).

Although the GSAs plan to only temporarily fall below minimum threshold groundwater levels and to then raise groundwater levels back above minimum thresholds over the 20-year implementation period, impacts from this approach—such as wells going dry for

⁵⁴ Modesto Subbasin GSP, Section 6.3.1.2, p. 331.

⁵⁵ Modesto Subbasin GSP, Section 6.3.2, p. 334.

⁵⁶ Modesto Subbasin Annual Report WY 2022 Table 3-4, pp. 33-35.

⁵⁷ Modesto Subbasin GSP, Table 6-3, p. 332.

⁵⁸ "Dry Well Reporting System." *Mydrywell.water.ca.gov*, mydrywell.water.ca.gov/report/publicpage. Accessed 21, November, 2023.

multiple years—would likely have significant, permanent impacts on beneficial uses and users as well as property interests in the Subbasin, which the GSAs have a responsibility to consider and disclose in the GSP. It does not appear from the GSP that the GSA considered lasting impacts that may occur even if groundwater levels improve after years of being below minimum threshold levels, such as permanent changes in land use practices (e.g., farmland fallowed, converted, or sold), decreased property values and population changes associated with years of inadequate or unreliable groundwater supplies (because below existing well or pump depths), and impacts or damage to, or abandonment of, domestic or agricultural wells whose productivity decreases or ceases at groundwater levels below minimum thresholds. The Plan does not consider or disclose these kinds of impacts that may first occur during Plan implementation, but then could have lasting, permanent impacts within the Subbasin even if groundwater levels are subsequently raised and then maintained above minimum thresholds levels. The GSAs should describe how impacts to wells experienced at interim milestones levels that are below minimum thresholds will be managed or mitigated to avoid resulting in undesirable results. If the GSAs plan to implement a well mitigation program to avoid causing significant and unreasonable effects to beneficial uses and users, details such as the number of wells anticipated to be eligible for the program, estimated costs, funding sources, and an implementation schedule should be provided (see Corrective Action 1b).

In addition to the concerns above, Department staff also believe the interim milestones below minimum thresholds have the potential to cause lasting or irreversible undesirable results related to land subsidence, water quality, and interconnected surface water in the Subbasin even if groundwater levels recover above the minimum thresholds after 20 years of Plan implementation. Department staff are concerned that impacts on other sustainability indicators may not recover in the same manner that groundwater levels may. The GSP acknowledges that widespread collapse of well casings and interference with water canal capacity and conveyance from over-pumping resulting in land subsidence has been well-documented in the Central Valley.⁵⁹ Although the Plan describes the relationship between minimum thresholds for chronic lowering of groundwater levels and how the minimum thresholds will avoid undesirable results for other sustainability indicators,⁶⁰ the Plan does not describe the potential impacts to other sustainability indicators that may occur because of the GSAs allowing groundwater levels to decline below minimum thresholds. There is no indication in the GSP that this issue was considered by the GSA or disclosed to interested parties. Therefore, the GSAs should analyze whether or how groundwater levels at the selected interim milestones will avoid causing undesirable results for other sustainability indicators (see Corrective Action 1c).

⁵⁹ Modesto Subbasin GSP, Section 6.7.1.1, p. 368.

⁶⁰ Modesto Subbasin GSP, Section 6.3.2.2, pp. 337-339.

3.1.3 Corrective Action 1

The GSAs must provide more detailed explanation and justification regarding the selection for the sustainable management criteria for the chronic lowering of groundwater sustainability indicator. Department staff recommend the GSAs consider and address the following:

- a) The GSAs should revise the GSP to include a complete and thorough discussion of how the interests of beneficial uses and users of groundwater in the Subbasin have been considered. Department staff recommend that additional assessment be conducted to understand the impacts to beneficial uses and users from continued overdraft, including what impacts may result if groundwater levels reach the established interim milestones in 2027. The GSP should also include a well impact analysis identifying the anticipated number and location of wells that may go dry during the 20-year implementation period based on the proposed interim milestones, for how long they may go dry, and the impacts to land uses and property interests, among others. Additionally, the GSP should include a discussion of how its approach to groundwater management may affect all identified beneficial uses and users in the Subbasin, including environmental users.
- b) The GSAs should revise the GSP to describe how impacts to wells experienced at interim milestone levels below minimum thresholds will be managed or mitigated. If the GSAs plan to implement a well mitigation program to avoid causing significant and unreasonable effects to beneficial uses and users, details such as the number of wells anticipated to be eligible for the program, estimated costs, funding sources, and an implementation schedule should be included in the GSP.
- c) The GSAs should revise the GSP to include an analysis describing whether or how managing the Subbasin to allow groundwater levels to drop to interim milestone levels that are below the established minimum thresholds will avoid causing undesirable results for other sustainability indicators.

3.2 DEFICIENCY 2. THE GSP DOES NOT INCLUDE SUFFICIENT DETAILS OF PROJECTS AND MANAGEMENT ACTIONS TO MITIGATE OVERDRAFT IN THE SUBBASIN OR PROVIDE A FEASIBLE PATH TO ACHIEVE SUSTAINABILITY.

3.2.1 Background

For basins where overdraft conditions occur, the GSP Regulations require a Plan to quantify the overdraft over a period of years during which water year and water supply conditions approximate average conditions.⁶¹ Furthermore, the Plan must describe feasible projects or management actions, including a quantification of demand reduction

⁶¹ 23 CCR § 354.18(b)(5).

or other methods, for the mitigation of overdraft and achieving the sustainability goal for the basin.⁶²

As part of the Department's evaluation, staff assess whether the Plan provides a reasonable assessment of overdraft conditions and includes reasonable means to mitigate overdraft, if present.⁶³ To substantially comply with the GSP Regulations⁶⁴, the assessment provided in the Plan must be supported with sufficiently detailed information and the analyses must be sufficiently thorough and reasonable. Discussion and analyses in a Plan must be detailed and thorough enough for Department staff to evaluate whether any discrepancy in the information provided in the Plan may materially affect the ability of the Agency to achieve the sustainability goal for the basin.

3.2.2 Deficiency Details

GSP Regulations require the Department to evaluate whether the projects and management actions are feasible and likely to prevent undesirable results and ensure that the basin is operated within its sustainable yield.^{65,66} Based on the GSAs' proposed management to operate the Subbasin at groundwater levels below minimum thresholds during a portion of the 20-year implementation period, implementing a robust combination of projects and management actions is a key aspect of successful Plan implementation and achieving sustainability, because under the Plan, the GSAs will have to timely implement and complete these projects and management actions to raise groundwater levels and reach the sustainability goal for the Subbasin consistent with SGMA timeframes. Under the currently proposed management approach where groundwater levels are managed to levels below the minimum thresholds, the suite of projects and management actions in the Plan must be sufficient to not only arrest groundwater level declines, but also to raise groundwater levels to offset and mitigate the temporary removal of groundwater in storage that occurred during the implementation period when groundwater levels were below the minimum threshold levels.

While the GSP documents that there has been historical groundwater overdraft in the Subbasin, it does not appear to provide reasonable means to mitigate actual overdraft, mainly because the Plan does not demonstrate that the proposed suite of projects and management actions would be sufficient to mitigate the anticipated overdraft and groundwater in storage depletions. The Plan's projected baseline overdraft estimate—which is used as the basis for developing projects to mitigate overdraft⁶⁷—is substantially lower than actual reported values for the Subbasin in recent annual reports. For example, the values of negative change in groundwater storage (i.e., overdraft) reported for water year (WY) 2021 (which represents change between October 1, 2020, and September 30,

⁶² 23 CCR §§ 354.44 and 354.44(b)(2).

⁶³ 23 CCR § 355.4 (b)(6).

⁶⁴ 23 CCR § 355.4 (b).

⁶⁵ 23 CCR § 355.4(b)(6).

⁶⁶ 23 CCR § 355.4(b)(5).

⁶⁷ Modesto Subbasin GSP, Section 8.5.1, p 484.

2021) was -132,500 acre-feet (AF) and -172,300 AF for WY 2022.⁶⁸ In contrast, the GSP's estimate of projected overdraft is more than 10 times less at only -11,000 acre-feet per year (AFY).⁶⁹ Still, the GSP attempts to demonstrate through a 50-year modeling scenario that the implementation of seven projects will mitigate the estimated overdraft by yielding an estimated average increase in groundwater storage of 1,400 AFY.⁷⁰ Assuming Plan implementation proceeds according to the modeled scenario, the expected cumulative effect to groundwater in storage would be an increase of 70,000 AF over the 50-year period. However, this projected maximum gain in storage is less than a quarter of the storage loss reported to have been experienced in the Subbasin in just two years of annual reporting (i.e., a cumulative loss in groundwater storage of 304,800 AF). It would take nearly 218 years of full implementation of the Plan's proposed projects combined with the Subbasin operating without further overdraft to offset this loss of storage. Department staff are concerned that continued overdraft will exacerbate the current problems the Subbasin is experiencing, which include dry wells. Based on the information contained in the GSP, it does not appear the GSAs have proposed a suite of projects and management actions that will be sufficient or effective in offsetting the recent overdraft observed in the Subbasin and are therefore unlikely to achieve sustainability.

According to the GSP's sustainable conditions groundwater budget, to reach sustainability in the Subbasin, there would need to be a reduction of approximately 44,000 AFY of groundwater pumping from historical conditions, or an approximate 15 percent reduction in overall groundwater pumping from the Subbasin.⁷¹ The required reduction in pumping is much greater when compared to the current water budget which would require a reduction of approximately 149,000 AFY, or an approximate 35 percent reduction in overall groundwater pumping from the Subbasin.⁷² The GSP does not provide details of how the projected reduction in pumping would be achieved or implemented. The GSP describes six management actions that include demand management strategies such as conservation, land fallowing, and a water accounting framework to reduce groundwater pumping; however, the Plan does not commit to take these actions or present detailed tasks, milestones, and timelines depicting how these projects will be completed and implemented. To the contrary, the GSP asserts the sustainability goals can be met without demand management and that management actions need only be undertaken if projects are insufficient.⁷³ The GSP states that most of the management actions are presented as frameworks and that potential management actions will be implemented by each GSA, as needed, using an adaptive management approach which will be informed by continued monitoring of groundwater conditions, using the monitoring network and methods

⁶⁸ Department of Water Resources, SGMA Portal, Annual Report Module, WY 2021 and WY 2022 Data, Reported Overdraft, Modesto Subbasin.

⁶⁹ Modesto Subbasin GSP, Table 5-8, p. 266.

⁷⁰ Modesto Subbasin GSP, Section 8.5.1, p 487.

⁷¹ Modesto Subbasin GSP, Table 5-8, p. 266 and Table 5-15, p. 314.

⁷² Modesto Subbasin GSP, Table 5-8, p. 266 and Table 5-15, p. 314.

⁷³ Modesto Subbasin GSP, Section 8.4, p. 465 and Section 8.5.1, p. 487.

described in the GSP.⁷⁴ However, the Plan does not provide details clarifying when any particular GSA's adaptive management approach would trigger increased actions by the GSA through implementation of more immediate projects and management actions. This approach is problematic for several reasons. First, the equivocation and lack of firm commitments to implement certain projects or management actions is inconsistent and contrary to conditions the GSP has committed to address, including overdraft, that are already occurring--meaning there is no need to wait for a triggering event to decide whether certain projects and management actions should be implemented. Second, equivocation and ambiguity in whether, when, or how projects and management actions will be implemented creates uncertainty, gives rise to potential disputes, and makes it difficult for interested parties and the Department to monitor and assess whether the Plan is being properly implemented. While adaptive management, used in the sense of reacting or adjusting management to conditions based on new or recent information can generally be a useful or reasonable approach to managing groundwater under SGMA, clear, express procedures, methodology, and triggers are required for the Department to be able to evaluate whether the approach will be effective in achieving sustainable groundwater management, and more generally to avoid disputes or delays in implementation.

For all the above reasons, the GSP does not include sufficient details of, or commitment to, implementation of projects and management actions for Department staff to conclude that the measures proposed by the GSP to arrest groundwater level declines and mitigate overdraft are feasible, reasonable, or that the basin is likely to achieve its sustainability goals according to SGMA timelines (see Corrective Action 2a).

Additionally, while these projects are being implemented, the GSAs intend to allow continued groundwater level declines based on the GSP's proposed interim milestones. As previously discussed, the GSAs have selected a management path where groundwater levels will likely fall below minimum threshold levels for multiple, successive years during the 20-year implementation period. Under such a scenario, GSAs have a responsibility to consider and disclose the effects of proposed groundwater management on beneficial uses and users and to develop an adequate suite of feasible and effective projects and management actions that can be implemented to raise groundwater levels above minimum thresholds to avoid undesirable results. The GSAs should expand on the proposed projects and management actions to define a feasible path for how groundwater levels will rise from the proposed interim milestone levels back up to the minimum thresholds (see Corrective Action 2b).

3.2.3 Corrective Action 2

The GSAs should revise the GSP to provide specific details of feasible projects and management actions that will be implemented to mitigate overdraft and that will raise groundwater levels from interim milestones towards the minimum thresholds and

⁷⁴ Modesto Subbasin GSP, Section 8.4, p. 466.

measurable objectives to achieve sustainability in the Subbasin. Specifically, the Plan must be amended as follows:

- a. The GSAs should revise the GSP to include a reasonable means to arrest groundwater level declines and stop the overdraft that is continuing to occur in the Subbasin. Specifically, the GSAs should describe feasible, effective proposed projects and management actions that are commensurate with the level of understanding of groundwater conditions in the Subbasin and provide sufficient details for Department staff to be able to clearly evaluate how the Plan's projects and management actions will ensure achieving the sustainability goal in the Subbasin.
- b. The GSAs should revise the GSP to include a feasible collection of projects and management actions to raise groundwater levels to avoid undesirable results that would occur as a result of groundwater levels dropping below minimum thresholds towards the proposed interim milestones levels.

4 STAFF RECOMMENDATION

Department staff believe that the deficiencies identified in this assessment should preclude approval of the GSP for the San Joaquin Valley – Modesto Subbasin. Department staff recommend that the GSP be determined incomplete.

Miguel Galvez

From: John Herrick <joherri@yahoo.com>
Sent: Thursday, May 16, 2024 4:34 PM
To: River Walk
Subject: Comments regarding the River Walk Specific Plan draft Environmental Impact Report (dEIR)
Attachments: River Walk dEIR comments- CNPS N San Joaquin Valley chapter - cover.pdf; River Walk dEIR comments - CNPS N San Joaquin Valley Chapter body.pdf; Exhibit 1- CNPS Rare Plant Inventory CRPR 1-4.pdf; Exhibit 2- Map of unsurveyed parcels.pdf; Exhibit 3- Vegetation- Great Valley Ecoregion.pdf; Exhibit 4- dEIR plant list compiled.pdf; Exhibit 5- Safe Passages Connectivity Planning.pdf; 1916 Riverbank Quadrangle.jpg; 1915 Thalheim Quadrangle.jpg; 1953 Riverbank Quadrangle.jpg; 1969 Riverbank Quadrangle.jpg

Dear Mr Galvez/ Miguel-

Attached you will find comments from the North San Joaquin Valley chapter of the California Native Plant Society and Friends of the River regarding the River Walk Specific Plan draft Environmental Impact Report (dEIR).

- a single page cover letter
- comments body
- five exhibits and
- four USGS Topographic maps

Please contact me if you have questions

Thank you

John Herrick
cnps.nsj.conservation@gmail.com



CALIFORNIA
NATIVE PLANT SOCIETY



Dedicated to conserving California native plants and their natural habitats in San Joaquin, Stanislaus, and Merced Counties



May 16, 2024

Miguel Galvez
Contract City Planner
City of Riverbank
Riverbank, CA

Re: Comments regarding the January 2024 River Walk Specific Plan draft Environmental Impact Report (dEIR), (State Clearing House # 2021060098).

On behalf of the North San Joaquin Valley Chapter of the California Native Plant Society, thank you for the opportunity to comment on the January 2024 River Walk Specific Plan draft Environmental Impact Report (dEIR), (State Clearing House # 2021060098).

The California Native Plant Society (CNPS) is a non-profit environmental organization with members in 36 Chapters across California and Baja California, Mexico. The CNPS mission is to protect California's native plant heritage and preserve it for future generations through the application of science, research, education, and conservation.

CNPS maintains and publishes two reference works relevant to environmental review and assessment:

- The CNPS Rare Plant Inventory- at the heart of the CNPS *Inventory* is its assessment of the current conservation status of our state's rare, threatened, and endangered plants. <https://www.cnps.org/rare-plants/cnps-inventory-of-rare-plants>
- The CNPS Manual of California Vegetation (MCV): MCV serves as California's standard vegetation classification system. <https://www.cnps.org/vegetation/manual-of-california-vegetation>

The North San Joaquin Valley chapter represents CNPS members residing in San Joaquin, Stanislaus, and Merced counties, and other CNPS members interested in the region's native flora.

FINDINGS-

The description and analysis of vegetation in Biological Resources chapter 3.4 is vague (no description of the Buffer/Greenway/Open Space components or designations), incomplete (does not provide the information required under Botanical Survey Reports, described in the California Department of Fish and Wildlife (CDFW) *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (Protocols)

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline> , and incorrect (overlooks the State-ranked sensitive (S3) *Quercus lobata* (Valley oak) Woodland Alliance, making the dEIR deficient by the standards of adequacy laid out in §15151 of the CEQA Guidelines, published by the California Resources Agency and available at the Association of Environmental Professionals website

https://www.califaep.org/statute_and_guidelines.php :

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be viewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness and a good faith at full disclosure.

The dEIR should not be certified and the River Walk Specific Plan- Public Draft 1/31/2024 (Specific Plan) should not be approved in its current form. The dEIR lacks sufficient information to support the findings stated in:

- Impact 3.4-5: *The potential for substantial direct or indirect effects on candidate, sensitive, or special status plant species, including through substantial reduction of habitat, substantial reduction of the number or restriction in range of a listed species, elimination of a plant community, or a drop in population levels below self-sustaining levels* (page 3.4-53)
- Table 3.4-6: *Special Status Plants Species Which May Occur in the Project Area* (page 3.4-15).
- Impact 3.4-6: *The potential to cause a substantial adverse effect on protected wetlands and jurisdictional waters* (page 3.4-55).
- Impact 3.4-7: *The potential to result in adverse effects on riparian habitat or other sensitive natural community* (page 3.4-57).

- Impact 3.4-8: *The potential to result in interference 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 (page 3.4-57).*
- Impact 3.4-10: The potential to conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (page 3.4-59).

ISSUES-

CDFW Protocol Survey standards

The CDFW Protocols sets forth the standards for field investigations. The current version of the Protocols is dated March 20, 2018, with minor editorial revisions made February 3, 2021. Definitions of Special status plants begin on page 2 of the Protocols and include:

- Plants that may warrant consideration on the basis of declining trends, recent taxonomic information, or other factors. This includes plants tracked by the CNDDDB as CRPR 3 or 4.
- Considered locally significant plants, that is, plants that are not rare from a statewide perspective but are rare or uncommon in a local context such as within a county or region (CEQA Guidelines, § 15125, subd. (c)), or as designated in local or regional plans, policies, or ordinances (CEQA Guidelines, Appendix G). Examples include plants that are at the outer limits of their known geographic range or plants occurring on an atypical soil type.

The definition of sensitive natural communities begins on page 3 of the Protocols:

Sensitive natural communities are communities that are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects. These communities may or may not contain special status plants or their habitat. CDFW's List of California Terrestrial Natural Communities⁷ is based on the best available information, and indicates which natural communities are considered sensitive at the current stage of the California vegetation classification effort. See the Vegetation Classification and Mapping Program (VegCAMP) website for additional information on natural communities and vegetation classification.

dEIR Impact 3.4-5, and reported in Table 3.4-6 restrict special status plants to plants listed by the California Natural Diversity Database (CNDDDB) with California Rare Plant Rank (CRPR) 1 or 2, a more limited definition than provided in the Protocols.

The attached **Exhibit 1**; 9-quad CNPS Rare Plant Inventory, expands the candidate list to 14 taxa ranging from CRPR 1 through CRPR 4. Exhibit 1 includes Delta button celery (*Eryngium racemosum*) a California-listed threatened species, known from an historical occurrence at Caswell Memorial State Park, occurring in Riparian scrub (vernally mesic clay depressions), Ripon Quad from CNDDDB, *Eryngium racemosum* occurrence #6.¹

The dEIR survey strategy and the extent of surveys do not support the conclusions reached in dEIR Impact 3.4-5. The survey extent is described on page 3.4-3

There are portions of the Specific Plan Area, as well as the Reserve Area outside the Specific Plan Area, that are not controlled by the Project Applicant and were not accessible for field surveys. The parcels not surveyed that are within the Specific Plan Area are identified in Table 3.4-2. Additionally, the parcels not surveyed that are in the Reserve Area outside the Specific Plan Area are identified in Table 3.4-3.

Exhibit 2 shows dEIR Figure 2.0-3, Assessor Parcel Map, shaded to represent the unsurveyed parcels in the Specific Plan area and in the Riverbank Sphere of Influence expansion. Approximately 17 % of the Specific Plan area was not surveyed. The median acreage of the unsurveyed parcels is 7.3 acres, 4 unsurveyed parcels are larger than 14 acres. The median acreage of the unsurveyed parcels outside of the Specific Plan area is 5.1 acres with 41% of the unsurveyed parcels larger than 14 acres. Parcel size is not synonymous with habitat quality. Conversion of larger parcels may result in greater adverse impacts or may offer mitigation or habitat enhancement opportunities not available with smaller parcels.

The dEIR states on page 3.4-53:

There were no special status species observed during the limited coverage survey of the riparian area (i.e., edges and areas that could be accessed without damaging the vegetation). The riparian habitat is appropriate for several special status plant species. However, the riparian corridor will remain as open space and will not be disturbed.

Footnote 3 at the bottom of the page states:

³ (Note: The riparian corridor along the Stanislaus River could not be surveyed with 100% coverage because the vegetative cover inhibits walking through this area without causing severe damage to the plants. The survey of this area included habitat assessment for special status species. It is noted that this riparian corridor is designated to be preserved.)

¹ The Ripon quadrangle also includes the California-listed threatened Swainson's Hawk, occurrence #148, nesting site, approximately 13 miles from the River Walk project area.

On page 3.4-54:

The river's edge contains fresh emergent wetland, which is a transitional vegetation from the riverine to the riparian... Much of this area is inaccessible due to the presence of the water flows in the Stanislaus River on one side, and the thick riparian vegetation on the other side. The river's edge will remain as open space and will not be disturbed.

The *Presence Determination* column in Table 3.4-6 should be revised from “*Not Present*” to “*Habitat Not Observed based on incomplete Project Area surveys*”, reflecting the survey coverage limitations in the Riparian Area.

Sensitive Natural Communities

dEIR Impact 3.4-7: *The potential to result in adverse effects on riparian habitat or other sensitive natural community*

The dEIR states on page 3.4-57:

The CNDDDB record search revealed documented occurrences of one sensitive habitat within the nine-quadrangle Project region: Northern Hardpan Vernal Pool. This sensitive natural community does not occur within the Project Area.

dEIR Figure 3.4-2 illustrates the plant communities (cover types) found in the vicinity of the Project Area based on the California Department of Forestry and Fire Protection’s (CalFire) Fire and Resource Assessment Program (FRAP). The footnote at the bottom of page 3.4-9 states:

It is noted that the land cover types map is created from large scale GIS surveys put together by the State of California and does not represent a precise vegetative cover.

The Protocols are clear regarding VegCAMP as the data source, discussed earlier in these comments. Exhibit 3 shows the results from utilizing VegCAMP in the Project Area. Several polygons representing the *Quercus lobata* (Valley oak) Woodland Alliance. The *Quercus lobata* Woodland Alliance is ranked as a rare alliance (S3) under CEQA. A description of the *Quercus lobata* Woodland Alliance can be found at the CNPS MCV website

<https://vegetation.cnps.org/alliance/84>

“Oaks” are mentioned in the dEIR vegetation narrative, with no specificity. On page 3.4-8 describing the species found in the Bluff Area:

There are also a variety of mature native oak trees in the bluff area.

On page 3.4-66:

There is an extensive amount of large mature oak trees located along the bluff area that encircles the Berghill Property. Most of the oak tree habitat in the bluff area is anticipated to remain undisturbed as part of the Specific Plan. This area is designated for Buffer/Greenway/Open Space. The exception is the area where the three access roads will enter the Berghill Property. These three areas will require removal of some oak tree habitat, which may include the removal of some mature oak trees. The improvement plans have not yet been prepared so it is not known exactly how many trees would require removal, and how many can be avoided with the construction of these three roadways. It may be possible for specific trees to be incorporated into the final design of the development once the more detailed engineering effort begins...

“Oak tree habitat” value is described on page 3.4-45:

There is an extensive amount of large mature oak trees located along the bluff area that encircles the Berghill Property. While no Swainson's hawk nests have been documented, and none were observed in this area, the trees are appropriate for nesting Swainson's hawk. Similar to the mature trees in the riparian habitat, the oak tree habitat in the bluff area is anticipated to remain undisturbed as part of the Specific Plan. This area is designated for Buffer/Greenway/Open Space. The exception is area where the three access roads will enter the Berghill Property. These three areas will require removal of some oak tree habitat, which includes the removal of some mature oak trees. There were no Swainson's hawk nests observed in the mature trees in these locations.

The *Quercus lobata* Riparian Forest & Woodland Alliance is ranked as a rare alliance (S3) under CEQA. A description of the *Quercus lobata* Riparian Forest & Woodland Alliance can be found at MCV: <https://vegetation.cnps.org/alliance/571>

Exhibit 4.5-1, *Northwestern Study Area*, compiled by P&D Consultants, 2005, shows habitat areas, prepared for the 2005-2025 Riverbank General Plan (General Plan 2025) dEIR (page 4.5-3) <https://www.riverbank.org/DocumentCenter/View/247/Environmental-Impact-Report-Part-3-?bidId=>

From page 3.4-62, related to dEIR Impact 3.4-10: *The potential to conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*

Consistent: *Unlike Policies CONS-5.1 and CONS-5.2, this Policy does not apply to all development that would entail the loss of any habitat supporting any special-status species. Rather, the Policy focuses only on "important habitat areas." Where such habitat areas are present within a proposed development project, clustering of structures should be used to avoid impacting those areas. Here, although the Project includes agricultural land that supports some special-status species, the habitat values of the land is relatively limited. This land has been actively farmed, and rendered unnatural in that sense, for many decades. This land thus does not rise to the level of being "important habitat areas." On the other hand, the riparian areas along the Stanislaus River do qualify, but are being completely avoided by being designated for Buffer/Greenway/Open Space uses. These important habitat areas along the Stanislaus River would be preserved in open space areas as part of the proposed Specific Plan. Clustering is not needed to avoid those important habitat areas, as they will be completely untouched by development. And the obligation to cluster development does not apply to the agricultural land that would be impacted by development within the remainder of the Project area.*

The dEIR interpretation above is questionable, the phrase "special-status species and their habitat" is used three times in General Plan policy CONS-5.6, the phrase "special-status species, and the loss and/or fragmentation of their habitat" is used once. The phrase "important habitat areas" is not used in Policy CONS-5.6. The phrase "important habitat" appears once. "Important habitat areas" is hardly "*only the focus of Policy CONS-5.6.*" Below in the entire text of Policy CONS-5.6 (page CONS-6):

For all development projects involving discretionary review that have the potential to affect special status species, the project applicant shall be required to perform a reconnaissance level assessment of the project site for **special-status species and their habitat**. For projects with the potential to have a substantial adverse effect on **special-status species, their habitats**, or movement corridors, or result in the fragmentation of their habitats, a Biological Inventory Report shall be prepared by a qualified biologist, to determine if, and to what extent **special-status species and their habitat** may be affected by a proposed project. **Projects shall be designed to avoid disturbance or fragmentation of important habitats and wildlife movement corridors**. For projects where avoidance is not possible, the project applicant shall be required to fully mitigate **the effects the development on special-status species, and the loss and/or fragmentation of their habitat**.

The terms “habitat” and “important habitat” are used interchangeably in the Policy CONS-5.6. Policy CONS-5.6 does not provide the qualification the dEIR suggests. The final sentence of Policy CONS-5.6 clearly states its intent. “Important habitat” is used in Policy CONS-5.2 and CONS- 5.4. “Important habitat areas” is used in CONS-5.3.

Mitigation measures based on the City of Riverbank Oak and Landmark Tree Preservation Ordinance are inappropriate. The ordinance is geared toward specimen trees in an urban setting. Mitigation measures related to *Quercus lobata* Riparian Forest & Woodland Alliance and *Quercus lobata* Riparian Forest & Woodland Alliance should be focused on ecosystem function and habitat integrity.

Negative Surveys

The Protocols provide guidance when candidate taxa are not found (page 6):

Adverse conditions from yearly weather patterns may prevent botanical field surveyors from determining the presence of, or accurately identifying, some special status plants in the project area. Disease, drought, predation, fire, herbivory, or other disturbance may also preclude the presence or identification of special status plants in any given year. Discuss all adverse conditions in the botanical survey report.¹⁵

The failure to locate a known special status plant occurrence during one field season does not constitute evidence that the plant occurrence no longer exists at a location, particularly if adverse conditions are present. For example, botanical field surveys over a number of years may be necessary if the special status plant is an annual or short-lived plant having a persistent, long-lived seed bank and populations of the plant are known to not germinate every year. Visiting the project area in more than one year increases the likelihood of detecting special status plants, particularly if conditions change. To further substantiate negative findings for a known occurrence, a visit to a nearby reference site may help ensure that the timing of botanical field surveys was appropriate.

The dEIR does not provide a description of the yearly weather patterns during the December 2019- June 2020 survey period. The Department of Water Resources’ (DWR) *Water Year 2020 Summary Information report* https://water.ca.gov/-/media/DWR-Website/Web-Pages/What-We-Do/Drought-Mitigation/Files/Publications-And-Reports/Water-Year-2020-Handout_Final.pdf characterizes the 2020 water year as “dry in Northern California.” “August and September wrapped up the water year with record heat and wildfires. August 2020 was the warmest August on record for California.”

CDFW discuss the impacts of precipitation and temperature on native plants at <https://wildlife.ca.gov/Conservation/Plants/Climate>

Under Survey Objectives (Protocols page 4)

Conduct botanical field surveys in a manner which maximizes the likelihood of locating special status plants and sensitive natural communities that may be present. Botanical field surveys should be floristic in nature, meaning that every plant taxon that occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status.

Many plant species listed on pages 3.4- 53 and 3.4 -54 of the dEIR do not rise the taxonomic level necessary to determine rarity and listing status. Exhibit 4 compiles the plants reported in the dEIR, indicating the plant names provided in the dEIR (in black) and names completed by this commenter (in red) and if the reported plant is native to California

Impacts from Project operation

The dEIR does not consider impacts of Project operation on special status plants and sensitive natural communities.

CEQA Guidelines §15161. Project EIR, states:

The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction and operation.

The Protocols state under *Assessment of potential project impacts*, on page 10:

A discussion of project related direct, indirect, and cumulative impacts to special status plants and sensitive natural communities;

CEQA Guidelines §15064. DETERMINING THE SIGNIFICANCE OF THE ENVIRONMENTAL EFFECTS CAUSED BY A PROJECT

(d) In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

Conclusion on page 3.4-54 of the dEIR:

The Specific Plan is designed to place new development in areas that are previously disturbed by agricultural activity, and to conserve those areas that are largely undisturbed (i.e., riparian corridor along the Stanislaus River and bluff area). There are no special status plants located within the agricultural fields that are planned for development. Implementation of the proposed Project would have a *less than significant* impact on special-status plant species.

Operational impacts are not limited to the area previously disturbed by agricultural activity as stated. There is no discussion of operational impacts on special status plants and sensitive natural communities in other Specific Plan land use designations.

A list of water quality-related operational impacts is discussed in the Hydrology Chapter 3.9 under Impact 3.9-3, page 3.9-34:

Planned urbanization of the Project Area would result in changes to land use, natural vegetation, and infiltration characteristics, and would introduce new sources of water pollutants, producing "urban runoff." Pollutants contained within urban runoff may include, but are not limited to, sediment, oxygen-demanding substances (e.g., organic matter), nutrients (primarily nitrogen and phosphorus), heavy metals, bacteria, oil and grease, and toxic chemicals that can degrade receiving waters. Urban runoff pollutants may stem from erosion of disturbed areas, deposition of atmospheric particles derived from automobile or industrial sources, corrosion or decay of building materials, rainfall contact with toxic substances, decomposing plant materials, animal excrement, and spills of toxic materials on surfaces which receive rainfall and generate runoff. New residential uses within the Project Area may also generate urban runoff from streets, driveways and parking areas. Yard areas may produce fertilizer wastes and/or bacterial contamination from animal excrement. New urban commercial development can generate urban runoff from parking areas, as well as any areas of hazardous materials storage exposed to rainfall.

Table 3.10-6: Anticipated Housing and Population Growth estimates a built-out population increase of 5,093 people. In addition, from page 3.10-35:

Indirect Population Growth: As described above, projects that include employment generating uses have the potential to result in indirect population growth through the creation of jobs or the extension of infrastructure into areas that were not previously served. The extensions of infrastructure into areas previously unserved may facilitate the future growth and development within the Reserve land use areas in the southwest portion of the Plan Area. However, as described in Chapter 2.0 (Project Description), the Reserve category is intended for land that the City has not yet planned for a specific urban or resource land use. The Reserve designation does not denote any specific land use, but rather is an overlay designation that specifies additional requirements related to timing of development, analysis required by the City, infrastructure and service standards, and related topics. Before making Reserve areas eligible for consideration for development, the area would need to have a land plan developed and processed through the standard application process, including a detailed environmental analysis.

The dEIR does not address the potential adverse effects associated with residential occupancy (vectors for exotic plant species and for plant diseases introduction and human and companion animal intrusion for example) on sensitive plants and sensitive natural communities regardless of areas being set aside as preserves or open space. A land use designation does not assure that plants and habitat will not be degraded when intensive residential development is introduced.

“In urban interface areas, riparian zones are often subject to very high levels of human use for recreational purposes”. Oak Woodlands and Forests chapter, Terrestrial Vegetation of California, page 329

“However, for much of California, conversion of oak woodland habitats to urban or suburban use is having the largest impact on sustainability of resource values. Incorporation of ecologically-based material into land use plans adopted by the county government is only a beginning. Oak Woodlands and Forests chapter, Terrestrial Vegetation of California page 333

“While concerns for oaks among the public has centered around the need to save individual trees or woodlands, the efforts of the scientific community have largely focused on the issue of oak regeneration. In many areas of the state, particularly savannas or woodlands with low annual rainfall, oak populations are experiencing little or no tree replacement. Although these populations periodically have seasons of good acorn germination and seedling establishment, there is persistent failure of the seedlings to be “recruited”- to make a transition into saplings and pole-sized trees.” Oaks of California, page 121.

“The conversion of forest, farm, and grassland into urban/ suburban subdivisions is contributing to the decline of certain habitats and wildlife and may be leading to the ascension of others (Jensen and others 1993). Buildings, concrete, blacktop, and manicured landscapes support populations of exotic wildlife such as starlings, house mice, and argentine ants which may compete with or disrupt native species (Jahn 1991). Subdivisions may also create isolated islands or fragmented remnant habitats (Morrison and others 1992, Soule 1991).” From Sanders and Baefsky *Improved Methods to Evaluate the Impact of Subdivisions on Wildlife in Oak-Dominated Woodlands in California* <https://www.fs.usda.gov/research/treesearch/28215>

Project impact analysis is incomplete until all phases of the project including planning, construction and operation are examined.

Buffer/Greenway/Open Space

The Buffer/Greenway/Open Space (B/G/OS) land use designation is important to the River Walk Specific Plan for project mitigation and to the dEIR as the reason that limited botanic surveys in the riparian area were acceptable.

The 2005-2025 Riverbank General Plan (General Plan 2025) provides the following definition in the land use chapter, page LAND 6:

This designation provides the opportunity to preserve important open spaces containing natural resources, such as sensitive biological habitat. This category also includes areas where buffering is necessary between different land uses. Bicycle and pedestrian pathways are also accommodated by this Land Use Designation.

Although the Land Use Diagram provides an illustration of where Buffer/Greenway/Open Space areas are located, there is some flexibility in exactly where these areas are located and exactly how large these areas are. For example, B/G/OS areas are shown along many canals in the Riverbank Planning Area. This shows that the City will coordinate with local irrigation districts and other relevant agencies to establish a connected system of bicycle/pedestrian pathways along existing rights-of-way and easements. The precise width of these pathways will be determined through coordination between the City, property owners, and other relevant public agencies. Similarly, buffer widths and locations will be determined by the City according to the goals and policies of this General Plan.

The River Walk Specific Plan (page 36) states:

This designation provides the opportunity to preserve important open spaces containing natural resources, such as sensitive biological habitat. This category also includes areas where buffering is necessary between different land uses. Bicycle and pedestrian pathways can be accommodated by this Land Use Designation. Within the B/G/OS category several subcategories are included including B/G/OS-Bluff, B/G/OS-Ditch, and B/G/OS-River Park.

General Plan 2025 Policy CONS-4.1 (page CONS-5) states:

Approved projects, plans, and subdivisions shall avoid conversion of habitat within the existing Stanislaus River riparian corridor, including Great Valley Mixed Riparian Forest, Great Valley Willow Scrub, and Riparian Scrub areas, and shall preserve an open space buffer along the Stanislaus River and associated riparian areas. The open space buffer shall be designed to avoid impacts to habitat and special status species in the riparian corridor, as specified in Policy CONS 5.1, Policy CONS 5.2, Policy CONS 5.3, and Policy CONS 5.6, **based on project specific biological resource assessment. The precise size of buffer from the river and associated riparian corridor is to be determined by site specific analysis.** The riparian corridor preservation and open space buffer shall be provided through a permanent covenant, such as a conservation easement and shall also include an ongoing maintenance agreement with a land trust or other qualified nonprofit organization. The preservation of the riparian corridor and ongoing maintenance agreement is required prior to City approval of any subdivision of property or development project located in areas outside City limits as of January 1, 2007 (see Figure CONS-1). Low-impact recreation could be allowed in this buffer area to the extent that impacts to these sensitive habitats are avoided or fully mitigated by demonstrating no net loss of habitat functions or value. Urban development shall not be allowed in this buffer area.

Neither the Specific Plan nor the dEIR provide the site-specific analysis required in Policy CONS-4.1. Neither the Specific Plan nor the dEIR describe criteria proposed to make the determination.

The criteria used to determine the extent of the buffer (and other B/G/OS designated areas) should be established in the Specific Plan and evaluated in the dEIR. The delineated buffer area (and other B/G/OS designated areas) should be presented in map form and should be included in both the Specific Plan and the dEIR, where public scrutiny is greatest, rather than during project application review or in development agreement negotiations, where public participation is less involved.

Elderberry occurrences, Valley oak stands, occurrences of invasive plants identified in Exhibit 4, the location of the “existing areas in the riparian area that are currently used for river access” (page 3.4-57) and other factors that could influence the B/G/OS designations should be included on the map mentioned above.

It is impossible to comment meaningfully on the dEIR mitigation analysis without knowing the criteria and the extent of the B/G/OS land use designations.

Piecemealing or project segmentation

Botanic surveys should be conducted on parcels in the designated Reserve area. Surveying the Reserve area parcels provides a better understanding of Specific Plan impacts and could inform future mitigation decisions.

From the Association of Environmental Professionals CEQA Portal:

<https://ceqaportal.org/tp/CEQA%20Project%20Description%202020%20Update.pdf>

The CEQA Guidelines define a project under CEQA as “the whole of the action” that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment.

Piecemealing or segmenting means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. This is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less- than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies.

In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. The project description should include all project components, including those that will have to be approved by responsible agencies. When future phases of a project are possible, but too speculative to be evaluated, the EIR should still mention that future phases may occur, provide as much information as is available about these future phases, and indicate that they would be subject to future CEQA review.

Impact 3.4-8, Habitat Linkages

dEIR Impact 3.4-8 analysis is based on incomplete information. The dEIR description of surrounding uses (page 3.4-7) does not include neighboring parcels that are under conservation easements executed under the US Army Corps of Engineers (USACE) Lower Stanislaus River Project.

Parcel 074-001-001, adjoining Berghill parcel 074-002-001 is under easement. The dEIR description of surrounding uses does not include USACE McHenry Recreation Area <https://stanislausriver.com/parks/mchenry-recreation-area/> one of the parcels under easement with USACE.

Safe Passages Project-

<https://escholarship.org/content/qt7184s72w/qt7184s72w.pdf?t=nso46l>

Paraphrasing the introduction to its June 2010 final report, *The Safe Passages Project and the City of Riverbank, Wildlife Connectivity in the San Joaquin Valley of California* was a collaboration between scientists at UC Davis, and non-governmental organizations in collaboration with state agencies to encourage habitat connectivity planning in support of the State Wildlife Plan. The City of Riverbank was chosen, in part because the Community Development Director showed interest in using the work products in the General Plan and Specific Plans processes.

Among the Safe Passages Project findings:

Page 18:

Several areas displaying relatively high connectivity intactness could potentially serve as habitat nodes in a Riverbank ecological network. Mule deer, bobcat, and western pond turtle all showed high connectivity in the bend in the Stanislaus River just west of McHenry Ave (Figure 12). Another area of high multi-species connectivity intactness was found in the vicinity of the sewage disposal ponds across the Stanislaus River from western Riverbank.

Page 26:

The analyses conducted to-date indicate that the Stanislaus River riparian corridor is an important local natural feature for wildlife connectivity in the greater Riverbank area. It contains the most intact natural land cover in a region dominated by agriculture and urban development. An effective conservation plan should protect as much of the remaining riparian vegetation as possible. This riparian cover will enable the movement both of larger generalist species (e.g. mule deer and bobcat) and smaller, less mobile riparian/aquatic obligate species (e.g. western pond turtle). These focal species can serve as umbrellas for many other species (e.g. migratory songbirds) that could benefit for preservation of this high quality ecological resource.

There are currently several areas of natural land cover located on the river corridor that are large and could potentially serve as habitat nodes for a variety of species. Especially important might be several to the west of Riverbank which not only display high connectivity intactness for several focal species but also include several VELB occurrence records. This indicates that larger mobile species could use these areas as resting habitat while moving along the corridor at the same time smaller sensitive species could establish home ranges there. These nodes are currently not in public ownership (however conservation easement data will need to be obtained to fully answer the question of protection of these areas).

A Safe Passage Project map showing Marxan summed solutions is attached as **Exhibit 5**.

dEIR Impact 3.4-6- Wetlands, jurisdictional waters

USGS topographic maps denote an intermittent stream-

flowing westerly to a low point along the bluff before flowing the bluff to the north and exiting back into the Stanislaus River. dEIR Hydrology and Water Quality, page 3.9-7.

The dEIR refers to the stream as a

“much more defined drain” or a *“channelized drain”* (from 1939 and 1942 USGS topographic maps)

“a drain” *“a defined drain”* (from 1953- present USGS topographic maps)

Describing the Post-Levee Period the dEIR states (page 3.9-8)

The Post-Levee period consisted of a time of significant changes to the natural hydrology of the Berghill Property. The changes were triggered by the construction of the levee, which prevented Stanislaus River floodwaters from entering the property, and ultimately allowed the property to "dry out" from what was historically a vernal mesic floodplain. It is not known if the vegetation in this area was riparian forest, or vernal pool grassland, or a combination of both habitats before the levee was constructed; however, there is substantial evidence from historical mapping that it was vernal mesic. Once land changed from a floodplain to a dry upland habitat, it led to the leveling of the Berghill Property for agricultural use and ultimately channelization of what was a natural drain into an agricultural ditch intended to drain the agricultural fields.

On page 3.4-56 the dEIR states:

The network of agricultural ditches is all anticipated to be deemed non-jurisdictional, although the final jurisdictional determination is made by the regulatory agencies during a consultation and/or permit process. The Project applicant for parcels that contain any of these agricultural ditches must consult with the USACE, CDFW, and RWQCB to ensure that the regulatory agency does not claim jurisdiction and require a permit for construction activities. If the regulatory agencies take jurisdiction over these facilities, the Project applicant for the parcels with the facilities would be required to obtain a permit and provide compensatory mitigation in accordance with the regulatory agency's requirements. There are no other wetlands that are proposed for disturbance. Nevertheless, mitigation is proposed that would ensure proper mitigation of any wetlands that might unexpectedly be encountered during the planning and development process.

The following topographic maps are attached:

- 1916 Riverbank quadrangle
- 1915 Thalheim quadrangle
- 1953 Riverbank quadrangle, showing the recently constructed levee
- 1969 Riverbank quadrangle

The Specific Plan area appears at the top edge of the Riverbank quadrangle, below the R.9E coordinate (1916) or the ⁶78-tick mark (1969)

A jurisdictional determination should be made before land use designations are set; in case a regulatory agency claims jurisdiction. Deferring consultation until future projects that include the ditches are required to obtain a permit is another example of piecemealing.

Specific Plan additions

According to the General Plan Guidelines, prepared by the California Office of Planning and Research https://opr.ca.gov/docs/OPR_C9_final.pdf

At a minimum, a specific plan must include a statement of its relationship to the general plan (Gov. Code § 65451(b)) and text and diagram(s) specifying all of the following in detail:

- *The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan (Id. at §65451(a)).*
- *The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan (Ibid.).*
- *Standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable (Ibid.).*
- *A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the provisions of the preceding three paragraphs (Ibid.).*
- *Any other subjects that, in the judgment of the planning agency, are necessary or desirable for general plan implementation (Gov. Code § 65452).*

A specific plan is especially useful for large projects, as well as for sites with environmental and fiscal constraints.

The Specific plan should include the criteria used to determine the extent of the buffer (and other B/G/OS designated areas) should be set out in the Specific Plan and the dEIR. The delineated buffer area (and other B/G/OS designated areas) should be presented in map form and should be included in both the Specific Plan and the dEIR, where public scrutiny is greatest, rather than during project application review or in development agreement negotiations, where public participation is less involved.

Specific Plan Land Use and Development Standards (Chapter 4) should be modified to require:

- Residential and Mixed-Use landscaping should be California natives
- Reference material should be distributed to residents regarding the selection and care of California natives

Specific Plan Infrastructure, Parks and Public Services (Section 6.9) should be modified to:

- Require native species be used in drainage ponds and swales
- Park, Greenway and Open Space landscaping should be California natives

Conclusion

The River Walk dEIR should not be certified and the River Walk Specific Plan- Public Draft 1/31/2024 should not be approved in its current form. The dEIR lacks sufficient information to support the impacts analysis related to sensitive plant species and sensitive natural communities, as defined in the Department of Fish and Wildlife *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*.

The lifespan of the 2025 Riverbank General Plan coming to a close, given the consultation, negotiation and the public participation process necessary to secure sphere of influence expansion and annexation approval, and a Letter of Map Revision (LOMR), among other conditions, the River Walk Specific Plan should be evaluated based on the vision, goals and policies of the Riverbank General Plan succeeding the 2025 General Plan.

Since the conversion to residential and industrial uses is ultimately a land-use decision, it is a political process involving action by elected officials with input from different constituencies. The political and economic forces vary greatly in different parts of the state. Since “success” involves multiple individuals agreeing on a political course of action, this issue will present a large challenge”.

(Oak Woodlands and Forests chapter, [Terrestrial Vegetation of California](#))

Respectfully,

John E Herrick
Rare Plant Chair
North San Joaquin Valley chapter, California Native Plant Society

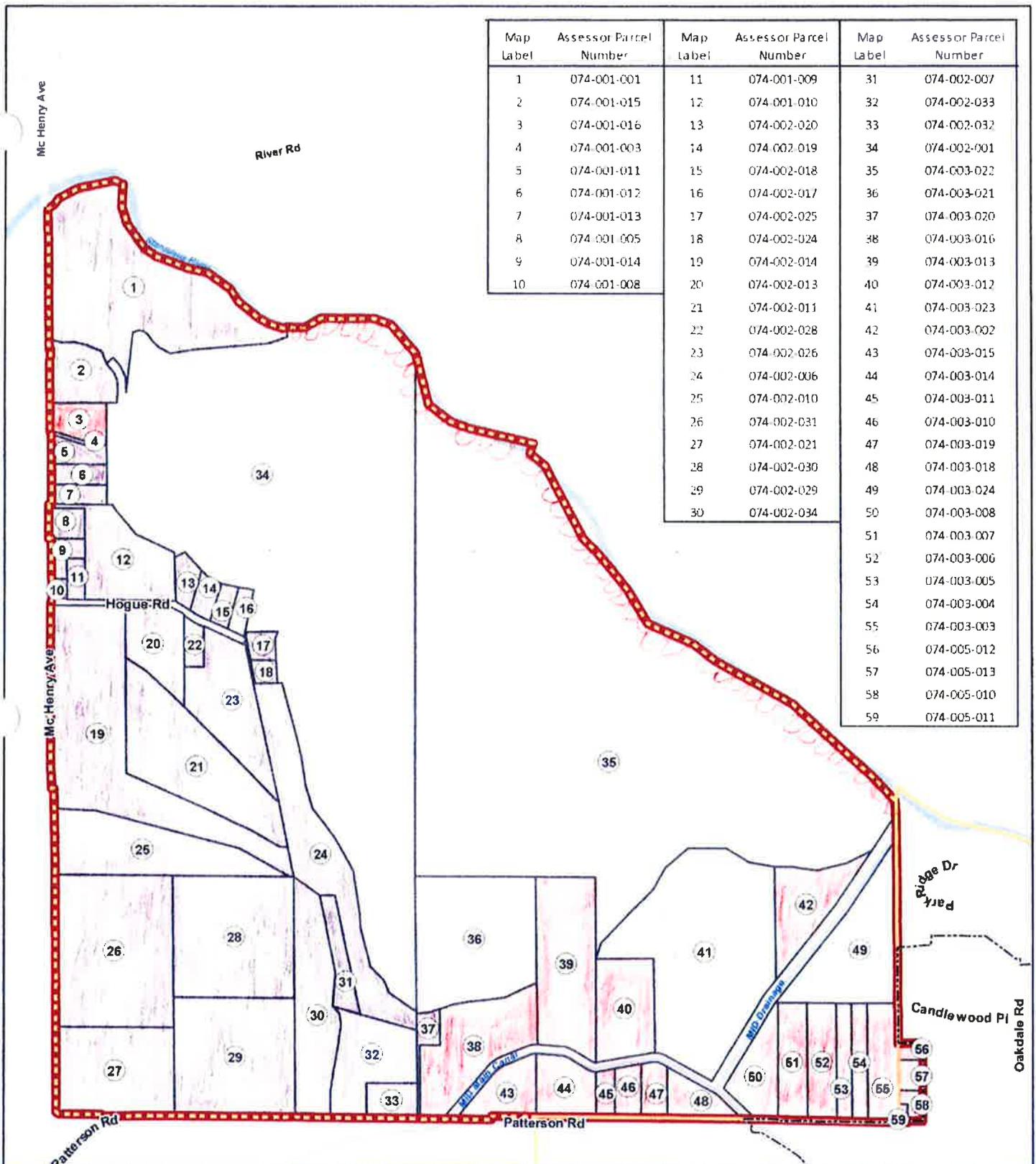
Jann Dorman
Executive Director and

Keiko Mertz, M.S.
Policy Director
[Friends of the River](#)
3336 Bradshaw Road, Suite 335
Sacramento, CA 95827
Pronouns: she, her, hers
[Help us protect California's rivers](#)

9-quad CNPS Rare Plant Inventory Results for River Walk Specific Plan
(CNPS Rank 1-4)

ScientificName	CommonName	Family	Lifeform	CRPR	CESA	FESA	BloomingPeriod	Habitat	Microhabitat
<i>Atriplex cordulata</i> var. <i>cordulata</i>	heartscale	Chenopodiaceae	annual herb	1B.2	None	None	Apr-Oct	Chenopod scrub, Meadows and seeps, Valley and foothill grassland (sandy)	Alkaline (sometimes)
<i>Atriplex subtilis</i>	subtle orache	Chenopodiaceae	annual herb	1B.2	None	None	(Apr)Jun-Sep(Oct)	Valley and foothill grassland	Alkaline
<i>Calycadenia spicata</i>	spicate calycadenia	Asteraceae	annual herb	1B.3	None	None	May-Sep	Cismontane woodland, Valley and foothill grassland	Adobe, Clay, Disturbed areas, Dry, Gravelly, Openings, Roadsides, Rocky
<i>Centromadia parryi</i> ssp. <i>rudis</i>	Parry's rough tarplant	Asteraceae	annual herb	4.2	None	None	May-Oct	Valley and foothill grassland, Vernal pools	Alkaline, Roadsides (sometimes), Seeps, Vernal Mesic
<i>Clarkia rostrata</i>	beaked clarkia	Onagraceae	annual herb	1B.3	None	None	Apr-May	Cismontane woodland, Valley and foothill grassland	
<i>Eryngium racemosum</i>	Delta button-celery	Apiaceae	annual/perennial herb	1B.1	CE	None	(May)Jun-Oct	Riparian scrub (vernally mesic clay depressions)	
<i>Fritillaria agrestis</i>	stinkbelts	Liliaceae	perennial bulbiferous herb	4.2	None	None	Mar-Jun	Chaparral, Cismontane woodland, Pinyon and juniper woodland, Valley and foothill grassland	Clay, Serpentine (sometimes)
<i>Hespererax caulescens</i>	hogwallow starfish	Asteraceae	annual herb	4.2	None	None	Mar-Jun	Valley and foothill grassland (mesic clay), Vernal pools (shallow)	Alkaline (sometimes)
<i>Jepsonia heterandra</i>	foothill jepsonia	Saxifragaceae	perennial herb	4.3	None	None	Aug-Dec	Cismontane woodland, Lower montane coniferous forest	Metamorphic, Rocky
<i>Legenere limosa</i>	legenere	Campanulaceae	annual herb	1B.1	None	None	Apr-Jun	Vernal pools	
<i>Neostaphia colusana</i>	Colusa grass	Poaceae	annual herb	1B.1	CE	FT	May-Aug	Vernal pools (adobe clay)	
<i>Orcuttia inaequalis</i>	San Joaquin Valley Orcutt grass	Poaceae	annual herb	1B.1	CE	FT	Apr-Sep	Vernal pools	
<i>Sphenopholis obtusata</i>	prairie wedge grass	Poaceae	perennial herb	2B.2	None	None	Apr-Jul	Cismontane woodland, Meadows and seeps	Mesic
<i>Tuctoria greenei</i>	Greene's tuctoria	Poaceae	annual herb	1B.1	CR	FE	May-Jul(Sep)	Vernal pools	

Map Label	Assessor Parcel Number	Map Label	Assessor Parcel Number	Map Label	Assessor Parcel Number
1	074-001-001	11	074-001-009	31	074-002-007
2	074-001-015	12	074-001-010	32	074-002-033
3	074-001-016	13	074-002-020	33	074-002-032
4	074-001-003	14	074-002-019	34	074-002-001
5	074-001-011	15	074-002-018	35	074-003-022
6	074-001-012	16	074-002-017	36	074-003-021
7	074-001-013	17	074-002-025	37	074-003-020
8	074-001-005	18	074-002-024	38	074-003-016
9	074-001-014	19	074-002-014	39	074-003-013
10	074-001-008	20	074-002-013	40	074-003-012
		21	074-002-011	41	074-003-023
		22	074-002-028	42	074-003-002
		23	074-002-026	43	074-003-015
		24	074-002-006	44	074-003-014
		25	074-002-010	45	074-003-011
		26	074-002-031	46	074-003-010
		27	074-002-021	47	074-003-019
		28	074-002-030	48	074-003-018
		29	074-002-029	49	074-003-024
		30	074-002-034	50	074-003-008
				51	074-003-007
				52	074-003-006
				53	074-003-005
				54	074-003-004
				55	074-003-003
				56	074-005-012
				57	074-005-013
				58	074-005-010
				59	074-005-011

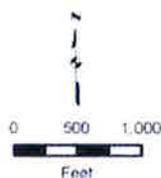


Legend

- Project Area
- Specific Plan Area
- City of Riverbank
- Riverbank Sphere of Influence (SOI)
- Proposed SOI Expansion

- Parcels within the Project Area
- Other Stanislaus County Parcels

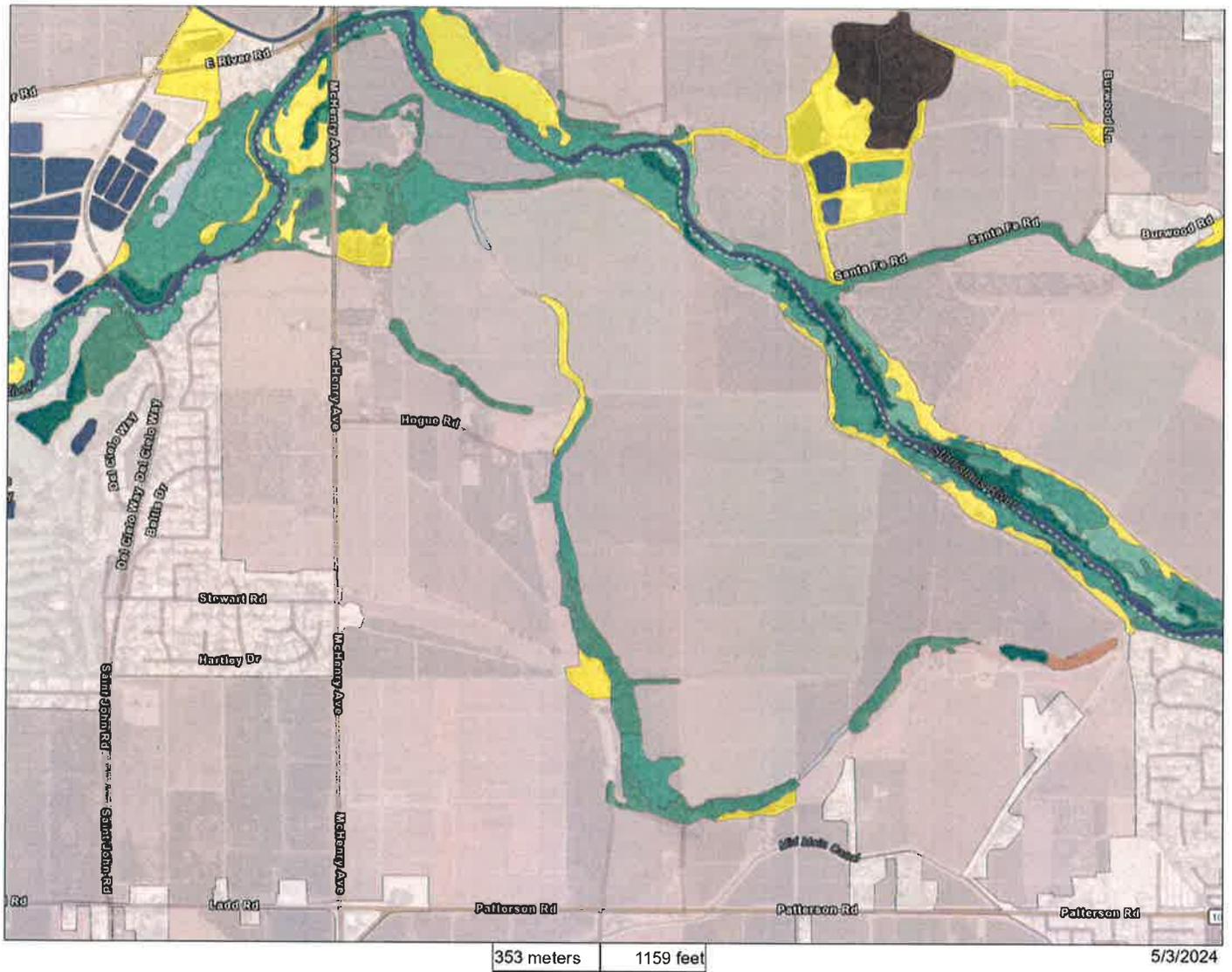
- PARCELS NOT SPECIFIC PLAN SURVEYED
- SOI
- RIPARIAN CORRIDOR FOOTNOTE 3.4-53



RIVERWALK SPECIFIC PLAN

Figure 2.0-3.
Assessor Parcel Map
PARCELS NOT SURVEYED
FROM TABLES 3.4-2 & 3.4-3

BIOS Map (River Walk/SOI dEIR area)



(Great Valley Ecoregion [ds2632])

Map Legend

Vegetation - Great Valley Ecoregion [ds2632]

-  *Aesculus californica*
-  *Juniperus californica*
-  *Pinus sabiniana*
-  *Quercus agrifolia*
-  *Quercus chrysolepis* (tree)
-  *Quercus douglasii*
-  *Quercus kelloggii*
-  *Quercus lobata*
-  *Quercus wislizeni* (tree)
-  *Umbellularia californica*
-  WVO
-  *Pinus ponderosa*
-  *Ailanthus altissima* - provisional
-  *Eucalyptus* (*globulus*, *camaldulensis*)

-  IMF
-  Ornamental trees
-  *Robinia pseudoacacia*
-  *Schinus (molle, terebinthifolius) - Myoporum laetum*
-  *Alnus rhombifolia*
-  *Fraxinus latifolia*
-  *Salix lucida*
-  *Acer negundo*
-  *Arundo donax*
-  *Baccharis salicifolia*
-  *Celtis reticulata* Provisional Special Stand
-  *Cephalanthus occidentalis*
-  *Juglans hindsii* and hybrids
-  *Platanus racemosa*
-  *Populus fremontii*
-  RIS
-  *Rosa californica*
-  RWF
-  RWS
-  *Salix exigua*
-  *Salix gooddingii*
-  *Salix laevigata*
-  *Salix lasiolepis*
-  *Sambucus nigra*
-  *Sesbania punicea*
-  *Tamarix* spp.
-  *Vitis californica* - provisional
-  *Adenostoma fasciculatum*
-  *Arctostaphylos glauca*
-  *Arctostaphylos manzanita*
-  *Arctostaphylos myrtifolia*
-  *Arctostaphylos viscida*
-  *Ceanothus cuneatus*
-  *Cercocarpus betuloides*
-  CMC
-  *Eriodictyon californicum*
-  *Heteromeles arbutifolia*
-  *Quercus berberidifolia*
-  *Quercus john-tuckeri*
-  *Ribes quercetorum* Prov.
-  *Rubus armeniacus*
-  *Toxicodendron diversilobum*
-  *Artemisia californica*
-  CSS
-  *Eriogonum (elongatum, nudum)*
-  *Eriogonum fasciculatum*
-  *Ericameria linearifolia* - *Peritoma arborea*
-  *Gutierrezia californica*
-  *Hesperoyucca whipplei*

-  *Heterotheca oregona*
-  *Lupinus albifrons*
-  *Baccharis pilularis*
-  *Carpobrotus edulis* and other ice
-  *Frangula californica*
-  *Ephedra viridis*
-  *Krascheninnikovia lanata*
-  *Ambrosia salsola*
-  *Atriplex polycarpa*
-  *Ephedra californica*
-  *Lepidospartum squamatum*
-  *Pluchea sericea*
-  *Prosopis glandulosa*
-  *Atriplex canescens*
-  *Encelia (actoni, virginensis)*
-  *Ericameria nauseosa*
-  *Elymus glaucus*
-  CAP
-  CAI
-  *Centaurea (solstitialis, mexicana)*
-  *Centaurea (virgata)*
-  CFG
-  *Nassella pulchra*
-  VPG
-  *Grindelia stricta*
-  VPB
-  *Artemisia douglasiana* - provisional
-  *Cynodon dactylon*
-  *Elymus triticoides*
-  *Lepidium latifolium*
-  Managed annual and perennial wetland vegetation
-  NRW
-  *Persicaria lapathifolia* - *Xanthium strumarium*
-  WTM
-  AGP
-  *Allenrolfea occidentalis*
-  *Anemopsis californica*
-  *Atriplex lentiformis*
-  *Atriplex spinifera*
-  *Frankenia salina*
-  *Isocoma acradenia*
-  *Schoenoplectus americanus*
-  *Sporobolus airoides*
-  SSB
-  *Suaeda moquinii*
-  *Bassia hyssopifolia*
-  *Bolboschoenus maritimus*
-  DAM
-  *Distichlis spicata*

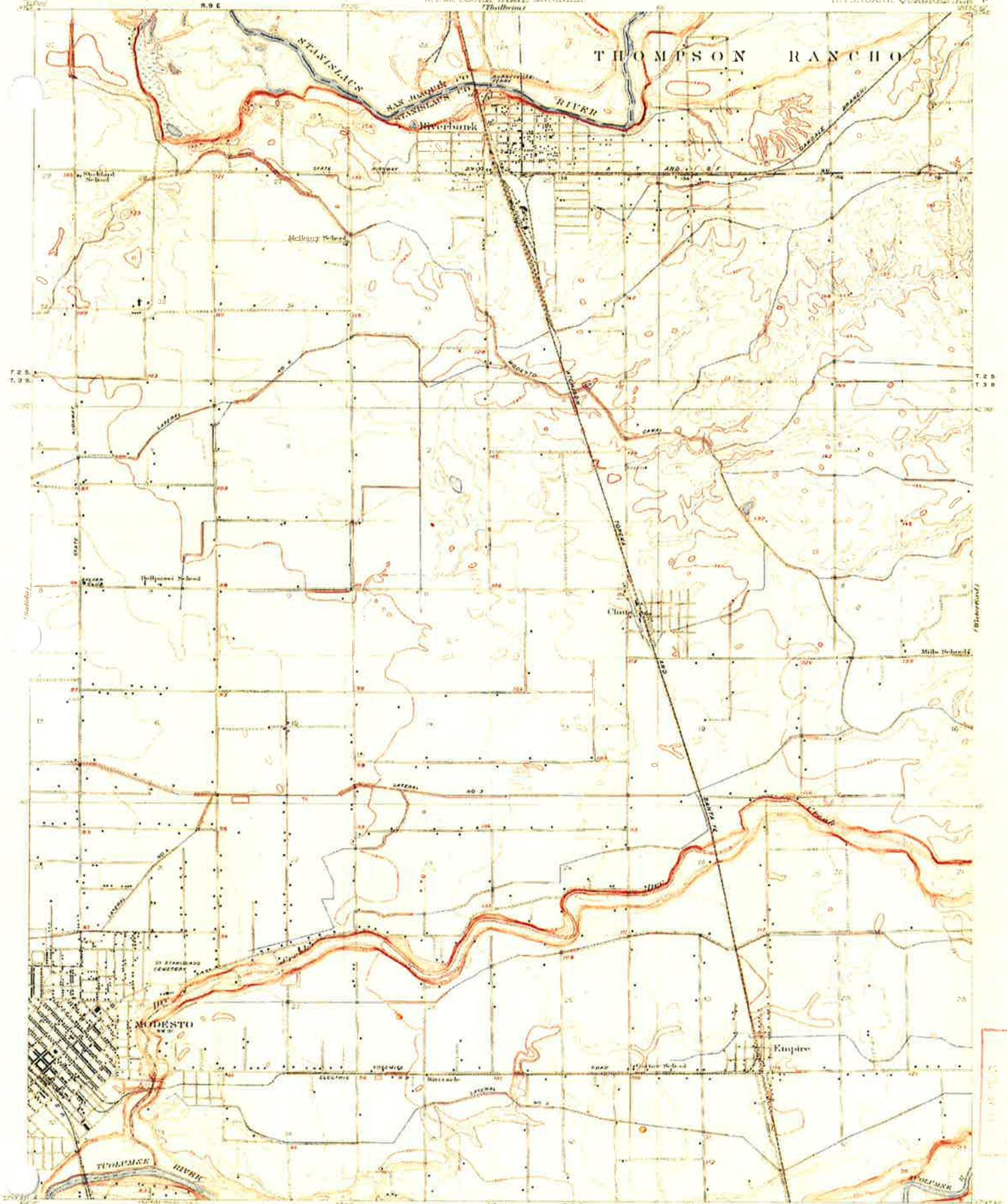
-  *Salicornia pacifica*
-  *Sesuvium verrucosum*
-  TBM
-  FEM
-  *Phragmites australis*
-  *Schoenoplectus (acutus, californicus)*
-  *Typha (angustifolia, domingensis, latifolia)*
-  *Azolla (filiculoides, mexicana)*
-  *Eichhornia crassipes*
-  *Juncus arcticus (var. balticus, mexicanis)*
-  *Juncus effusus*
-  *Lemna (minor) and Relatives*
-  *Ludwigia (hexapetala, peploides)*
-  *Myriophyllum spp.* - permanently flooded
herbaceous alliance
-  NTF
-  TFF
-  QMG
-  CRO
-  *Selaginella bigelovii*
-  BGS
-  SVP
-  AGR
-  URB
-  WAT

Exhibit 4- River Walk Specific Plan dEIR Plant List compiled from pages 3.4-53 to 3.4-54

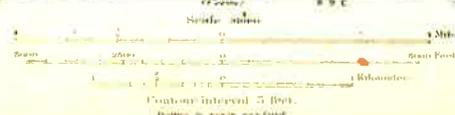
Scientific Name- based on dEIR identification. Names in red, not included in dEIR, provided by center. [The Jepson manual; Vascular plants of California, second edition (TJM2)]	Common Name (dEIR). Common names in red from TJM2	Locality (dEIR)	dEIR page #	CA Native (TJM2) Not provided in dEIR ¹
<i>Avena barbata</i>	wild oat	bluff area	3.4-53	No (Cal-IPC)
<i>Bromus diandrus</i>	rip-gut brome	bluff area	3.4-53	No (Cal-IPC)
<i>Bromus hordeaceus</i>	soft chess	bluff area	3.4-53	No (Cal-IPC)
<i>Medicago sativa</i>	alfalfa	bluff area	3.4-53	No
<i>Salsola tragus</i>	Russian thistle	bluff area	3.4-53	No (Noxious)
<i>Carduus pycnocephalus ssp pycnocephalus</i>	Italian thistle	bluff area	3.4-53	No (Noxious)
<i>Amaranthus retroflexus</i>	rough pigweed	bluff area	3.4-53	No
<i>Helianthus annuus</i>	sunflower	bluff area	3.4-54	Yes
<i>Artemisia dracunculus</i>	tarragon	bluff area	3.4-54	Yes
<i>Lactuca serriola</i>	prickly lettuce	bluff area	3.4-54	No
<i>Silybum marianum</i>	milk thistle	bluff area	3.4-54	No (Cal-IPC)
<i>Sonchus asper</i>	sow thistle	bluff area	3.4-54	No
<i>Heterotheca grandiflora</i>	telegraph weed	bluff area	3.4-54	Yes
<i>Hordeum sp</i>	barley	bluff area	3.4-54	insufficient id
<i>Brassica niger (nigra)</i>	mustard	bluff area	3.4-54	No (Cal-IPC)
<i>Heliotropium curassavicum</i>	heliotrope	bluff area	3.4-54	Yes
<i>Quercus sp</i>	a variety of mature native oak trees	bluff area	3.4-54	Yes
<i>Populus fremontii ssp fremontii</i>	cottonwood (Alamo or Fremont Cottonwood)	riparian area- "Characterized by a canopy layer of..."	3.4-54	Yes
<i>Platanus racemosa</i>	California sycamores (Western sycamore)	riparian area- "Characterized by a canopy layer of..."	3.4-54	Yes
<i>Quercus lobata</i>	valley oaks	riparian area- "Characterized by a canopy layer of..."	3.4-54	Yes
<i>Alnus rhombifolia</i>	white alder	riparian area- subcanopy	3.4-54	Yes
<i>Acer negundo</i>	boxelder	riparian area- subcanopy	3.4-54	Yes
<i>Fraxinus latifolia</i>	Oregon ash	riparian area- subcanopy	3.4-54	Yes
<i>Vitis sp</i>	wild grape	riparian area- "Typical understory shrub layer plants include..."	3.4-54	Yes
<i>Rosa sp</i>	wild rose	riparian area- "Typical understory shrub layer plants include..."	3.4-54	Yes
<i>Rubus ursinus</i>	California blackberry	riparian area- "Typical understory shrub layer plants include..."	3.4-54	Yes
<i>Sambucus mexicana</i>	elderberry	riparian area- "Typical understory shrub layer plants include..."	3.4-54	Yes
<i>Cephalanthus occidentalis</i>	button brush	riparian area- "Typical understory shrub layer plants include..."	3.4-54	Yes
<i>Salix sp</i>	willows	riparian area- "Typical understory shrub layer plants include..."	3.4-54	insufficient id
<i>Carex sp</i>	sedges	riparian area- "The herbaceous layer consists of..."	3.4-54	insufficient id
<i>Juncus sp</i>	rushes	riparian area- "The herbaceous layer consists of..."	3.4-54	insufficient id
POACEAE family	grasses	riparian area- "The herbaceous layer consists of..."	3.4-54	insufficient id
<i>Claytonia perfoliata</i>	miner's lettuce	riparian area- "The herbaceous layer consists of..."	3.4-54	No
<i>Conium maculatum</i>	poison-hemlock	riparian area- "The herbaceous layer consists of..."	3.4-54	No (Cal-IPC)
<i>Urtica sp</i>	nettle	riparian area- "The herbaceous layer consists of..."	3.4-54	Yes
<i>Avena barbata</i>	wild oat	riparian area-annual grassland, "common species of "	3.4-54	No (Cal-IPC)
<i>Bromus hordeaceus</i>	softchess	riparian area-annual grassland, "common species of "	3.4-54	No (Cal-IPC)
<i>Bromus diandrus</i>	rip-gut brome	riparian area-annual grassland, "common species of "	3.4-54	No (Cal-IPC)
<i>Bromus madritensis ssp rubens</i>	red brome	riparian area-annual grassland, "common species of "	3.4-54	No (Cal-IPC)
<i>Hordeum sp</i>	wild barley	riparian area-annual grassland, "common species of "	3.4-54	insufficient id
<i>Festuca myuros?</i>	foxtail fescue	riparian area-annual grassland, "common species of "	3.4-54	No (Cal-IPC)
<i>Erodium cicutarium</i>	redstem filaree	riparian area-annual grassland, "common forbs include "	3.4-54	No (Cal-IPC)
<i>Croton setigerus</i>	turkey mullein	riparian area-annual grassland, "common forbs include "	3.4-54	Yes
<i>Trifolium sp</i>	clovers	riparian area-annual grassland, "common forbs include "	3.4-54	insufficient id
<i>Plagiobothrys sp.</i>	popcorn flower	riparian area-annual grassland, "common forbs include "	3.4-54	insufficient id
<i>Carex sp.</i>	sedges	fresh emergent wetland- "characterized by erect, rooted hydrophytes such as..."	3.4-54	insufficient id
<i>Cyperus sp.</i>	nut-sedge	fresh emergent wetland- "characterized by erect, rooted hydrophytes such as..."	3.4-54	insufficient id
<i>Juncus sp.</i>	rush	fresh emergent wetland- "characterized by erect, rooted hydrophytes such as..."	3.4-54	insufficient id
<i>Typha sp.</i>	cattail	fresh emergent wetland- "characterized by erect, rooted hydrophytes such as..."	3.4-54	insufficient id
<i>Eriogonum sp.</i>	buckwheat	Dehli soils series- "Vegetation on uncultivated areas consists of..."	3.4-11	insufficient id

Exhibit 4- River Walk Specific Plan dEIR Plant List compiled from pages 3.4-53 to 3.4-54

Scientific Name- based on dEIR identification. Names in red, not included in dEIR, provided by enter. [The Jepson manual; vascular plants of California, second edition (TJM2)]	Common Name (dEIR). Common names in red from TJM2	Locality (dEIR)	dEIR page #	CA Native (TJM2) Not provided in dEIR¹
1- Invasive, alien taxa from TJM2				
"(Noxious)" is applied to taxa as recognition of their inclusion in (1) the Pest Ratings of Noxious Weed Species and Noxious Weed Seed,				
developed by the State of California, Department of Food and Agriculture, Division of Plant Health and Pest Prevention Services (July, 2010) and/or (2) the 4500 Noxious Weed Species list from Section 5004 of the Food and Agricultural Code. All names with an internal rating of A, B, C, or Q were considered.				
"(Noxious)" is indicated for taxa that already are a problem in California, as well as for those considered to be of probable risk in terms of their establishment in the state. Some taxa included in the above-mentioned lists are not treated in TJM2 and the eFlora because they either do not occur in California or their arrival and/or naturalization in the state is unlikely. "(Cal-IPC)" is applied to taxa that are not included in the above-mentioned state and federal lists,				
but that are included in the California Invasive Plant Inventory Database (December 2010) developed by the California Invasive Plant Council (Cal-IPC).				
Neither "(Noxious)" nor "(Cal-IPC)" is applied to native taxa.				



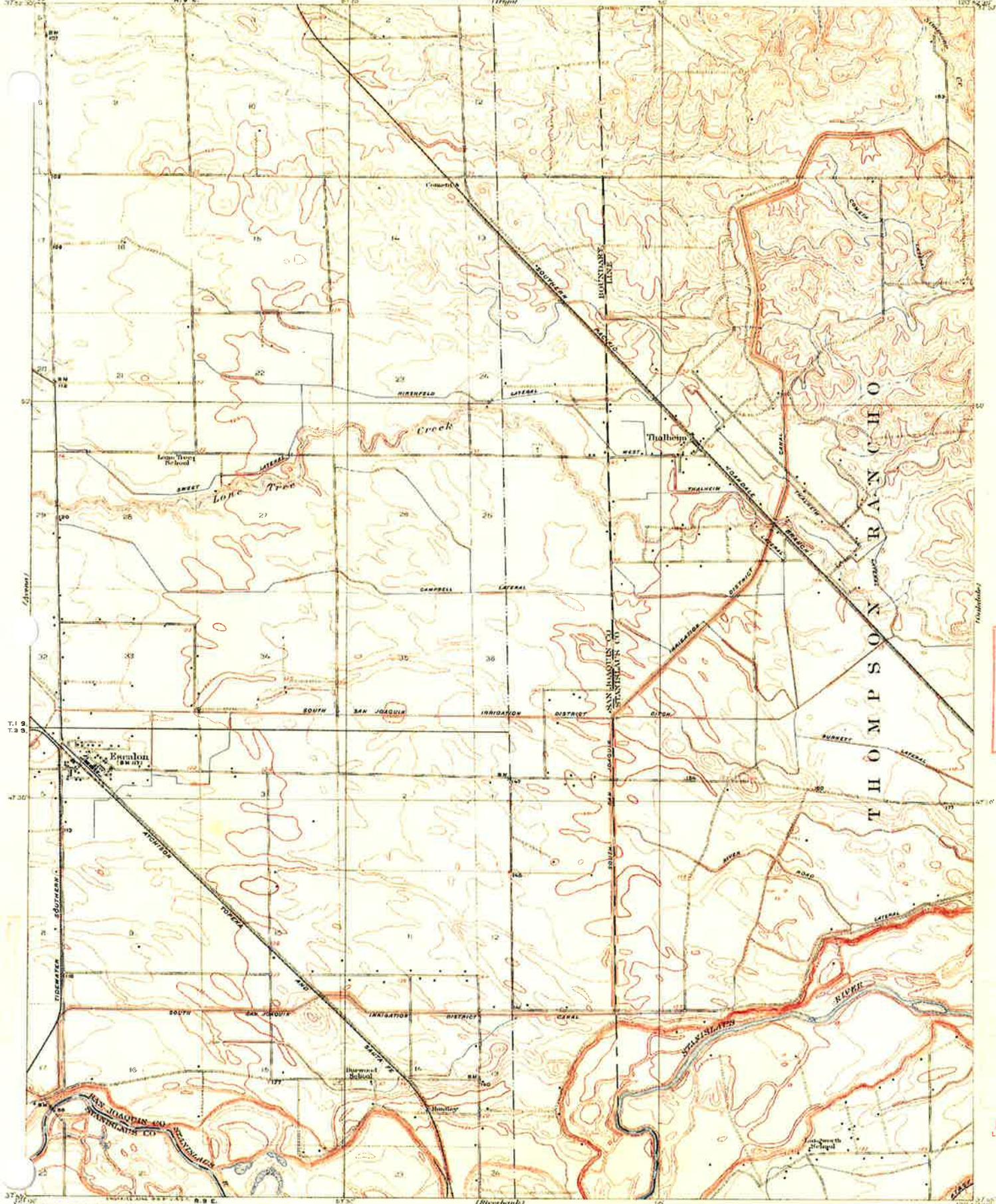
H. B. Merrill, Chief Geographer
View of Davis Peak, in charge
Photography by A. S. Barker and C. A. Clendenen
Control by C. F. Ure and J. C. Boser
Scale 1:50,000



USGS
Historical File
Topographic Division
3260

RIVERBANK

FILE COPY



U.S.G.S.
P. 117

HISTORICAL

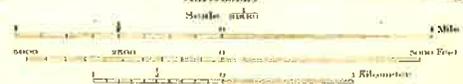
R. G. Marshall, Chief Engineer
Geo. B. Davis, Geographer in Charge
Topography by J. S. Lavitt and E. A. Danforth
Control by L. F. Higgs and G. L. Higgins
Surveyed in 1913.
SURVEYED IN COOPERATION WITH THE STATE OF CALIFORNIA.

Scale Feet

0	100	200	300	400	500
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Scale Miles

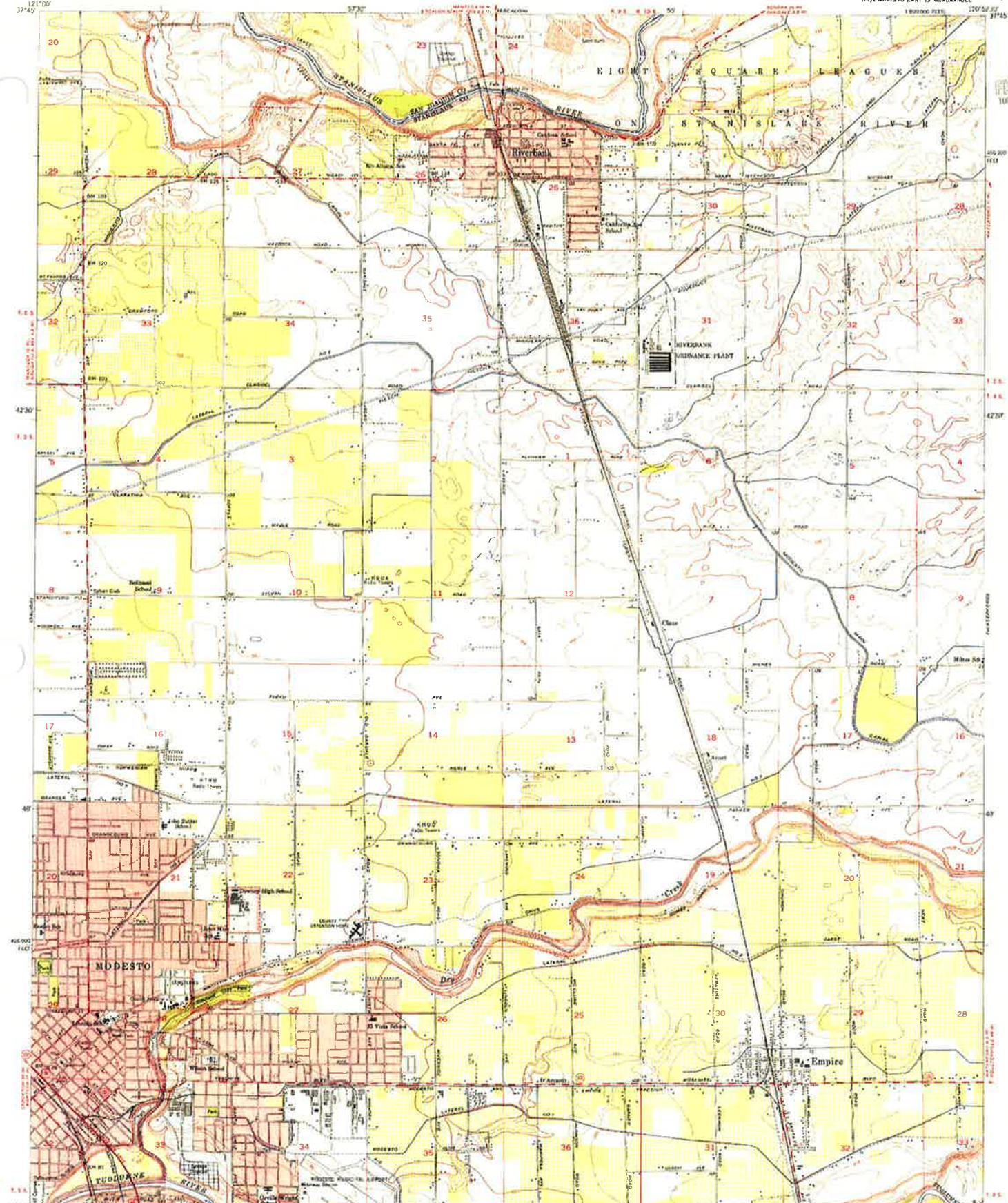
0	1	2	3	4	5
---	---	---	---	---	---



Contours interval 5 feet.
Datum is mean sea level.

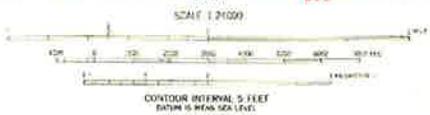
USGS
Historical File
Topographic Division
NOV 10 1915 3543

TALAHUEM
HISTORICAL



U.S.G.S.
TOPOGRAPHIC DATA

Mapped, edited, and published by the Geological Survey
Control by USGS and USCGS
Topography by mensurative surveys 1934
Culture and drainage from aerial photographs taken 1950
Contour revision and field check 1953
Polyconic projection - 1927 North American datum
10,000 foot grid based on California coordinate system, zone 3
Red (H) indicates areas in which only "remnant" buildings are shown
Dashed bar lines indicate approximate location



USGS
Map
Topographic

ROAD CLASSIFICATION

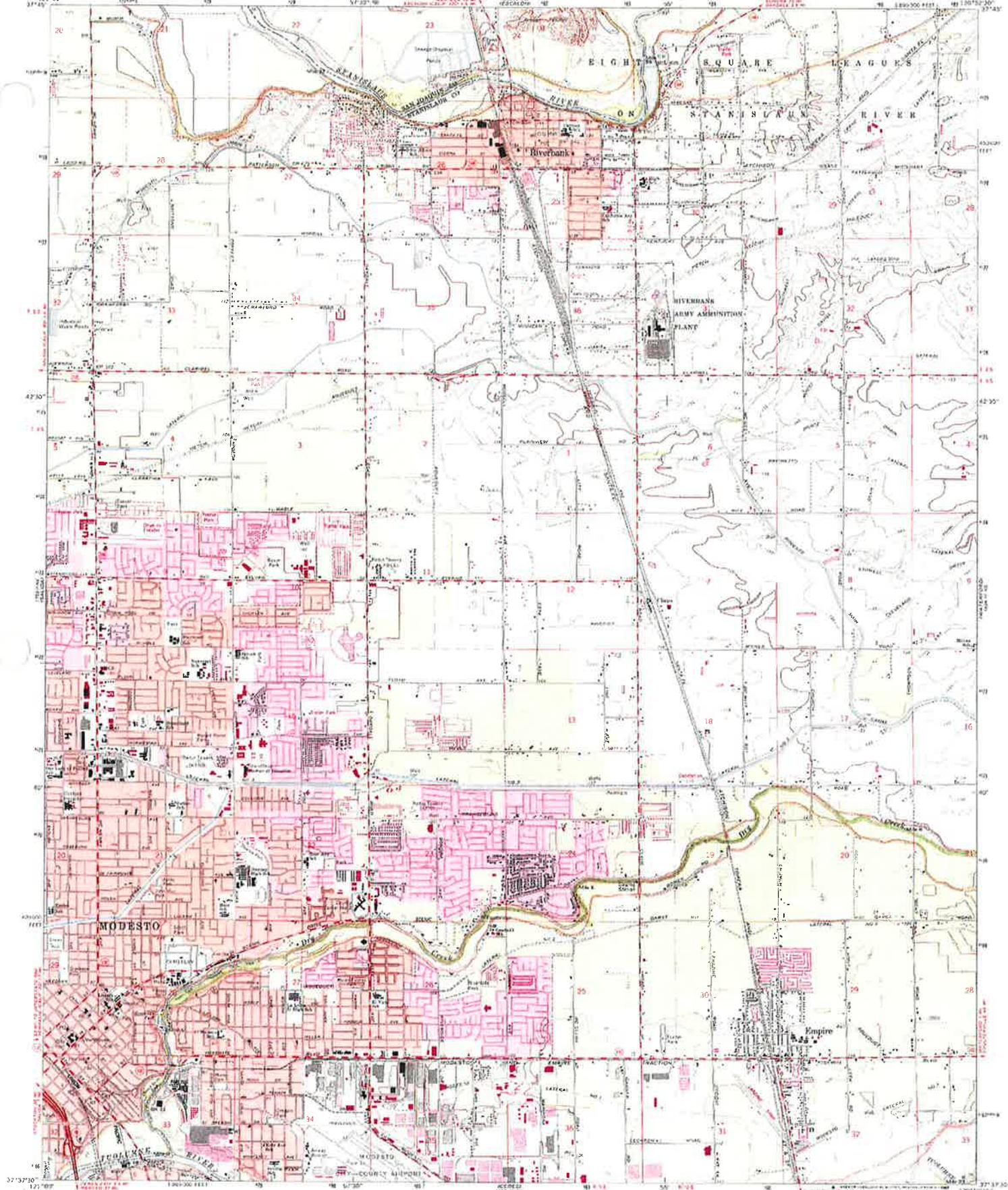
Heavy duty	Light duty
Medium duty	Unimproved dirt
U.S. Route	State Route



FOR SALE BY U. S. GEOLOGICAL SURVEY, FEDERAL CENTER, DENVER, COLORADO OR WASHINGTON 25, D. C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

RIVERBANK, CALIF.
NW/4 MODesto EAST 15 QUADRANGLE
N3717 5 W12052 5/7 5
1953

U.S.G.S.
TOPOGRAPHIC DATA



Map prepared and published by the Geological Survey
Control by USGS and NAD83/84
Topography by photogrammetric methods from aerial
photography taken 1967, 1:100,000 scale 1969
Supersedes map dated 1914, revised 1953
Polyconic projection, 1927 North American datum
10,000 foot grid based on California zone 10
1000 meter Universal Transverse Mercator grid zone
10, zone 10, shown in blue
To place on the predicted North American Datum 1983
move the projection lines 12 meters north and
91 meters east as shown by dashed corner ticks
There may be private holdings within the boundaries of
the National or State reservations shown on this map
Red line indicates areas in which only landmark buildings are shown
Flow and dashed lines indicate selected fence lines

SCALE 1:24,000
CONTOUR INTERVAL 5 FEET
NATIONAL GEOGRAPHIC MERIDIAN OF 120°

ROAD CLASSIFICATION
Primary highway Secondary highway Light-duty road, all-weather
hard surface Improved surface
Economic highway, all-weather Unimproved road, fire or city
road surface State Route

THIS MAP CONFORMS WITH NATIONAL MAP ADJUSTMENT STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225 OR RESTON, VIRGINIA 22092
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Photocopy release in public domain for educational
photography taken 1967 and other sources
This information not for circulation. Map dated 1967
Purple ink ticks show extension of corner lines

RIVERBANK, CALIF.
33120/FB-17-024
1009
PHOTOREVISED 1987
JMA 1009 IN THE SERVICE YEARS

Miguel Galvez

From: Miguel Galvez
Sent: Thursday, May 16, 2024 4:59 PM
To: Mary Lomax
Cc: River Walk
Subject: RE: River Walk Protest Letter

Brian and Mary Lomax

Your comments on the proposed River Walk specific Plan and Draft EIR have been received.

Thank you,

Miguel Galvez,
Contract City Planner

From: Mary Lomax <lomaxma@yahoo.com>
Sent: Thursday, May 16, 2024 4:42 PM
To: Miguel Galvez <cityplanner@riverbank.org>
Subject: River Walk Protest Letter

Dear Mr. Galvez,

I am writing to express my concerns about Riverbank's proposed River Walk project. My husband and I are against the project due to its effects on the wildlife, farmland, water, sewer system, and the increased traffic.

Brian and Mary Lomax
2112 Park Ridge Drive
Riverbank, CA 95367

Miguel Galvez

From: Robert DeMont <robert.demont@rhodeshof.com>
Sent: Thursday, May 16, 2024 1:52 PM
To: River Walk; Miguel Galvez
Subject: Riverwalk Draft EIR Comment -SGMA

The Sustainable groundwater initiative in California is a major state initiative with serious penalties for growers. It is no less important for municipalities. The impact of three proposed deep wells and 3 Million gallon storage container on the ground water have not been adequately described. It is likely to cause subsidence, a major issue established by the state to be avoided in critical basins.

Further, no mitigation for neighbors impacted by water table lowering has been addressed. As the wells of existing residents are drawn down, what mitigation will take place and on what timetable? Many of us have livestock that cannot go 24 hours without water (Let alone months) while agencies fight over who is responsible for mitigation.

Further, a majority of the flat sections of the proposed project area will be hardscaped with roads and dwellings. This will permanently eliminate percolation necessary for ground water recharge exacerbating the problem for the troubled basin. The suggestion of relatively small pooling and recharge basins cannot quantitatively offset the massive loss of existing ground surface area for recharge. This should be quantitatively displayed to the people of Riverbank and Stanislaus county.

Bob DeMont
Robert.demont@rhodeshof.com
209-604-6237

Miguel Galvez

From: Kevin Wolf <kevinjwolf@gmail.com>
Sent: Thursday, May 16, 2024 8:49 AM
To: River Walk
Subject: Comments on RiverWalk Specific Plan/Draft Environmental Impact Report, Riverbank, CA

May 16, 2024

City of Riverbank
Attn: Miguel Galvez, Contract City Planner
6617 Third Street
Riverbank CA 95367

RE: RiverWalk Specific Plan/Draft Environmental Impact Report, Riverbank, CA

Dear Mr. Galvez:

We are concerned that the proposed RiverWalk Specific Plan project has not properly considered how Climate Change will impact the intensity and size of future floods. We believe that residents in a RiverWalk project will face unacceptable levels of harm with flooding. The existing levees are not likely to withstand the flood flows the river will experience in the years ahead.

Atmospheric rivers are intensifying. Five hundred-year flood events will happen more often. Two hundred-year flood events could happen every 40 years. At a minimum, the FEMA 100-year and 200-year floodplain maps for Riverbank and the Stanislaus River should be updated with the latest climate change information and a new EIR done that uses this important data. We believe it will show that the levees would need to be significantly strengthened, and not just for the RiverWalk project.

A wet winter when New Melones Reservoir is full (as it has been this year) leaves the Stanislaus River vulnerable to the dam having to release up to the maximum 8000 cfs its operational limits allow. In some scenarios, the reservoir can be "full" with a "pineapple express" on the way. Reservoir operations require advance releases under these scenarios. The "operational commitment" identified in the EIR to not allow flows above 8000 CFS at Ripon will not be met under these scenarios. The RiverWalk project cannot rely on the USBR to avoid any releases when an atmospheric river is dumping many inches of rain in the watershed over a short period of time.

In the winter of 1982, soon after the New Melones Dam was built, a storm raised the flows at Riverbank to over 10,000 cfs. This high flow occurred even though the dam's outlets were able to shut off completely because the dam was nearly empty and had the capacity to do so. That was 40 years ago. The ppm of CO2 in the atmosphere then was below 350. Now it is almost 25% higher.

In the life of the RiverWalk project, ppm of CO2 will likely exceed 450 and in some scenarios, could exceed 500 ppm. The EIR should properly evaluate how this increase in heat retention creates more intense extreme rainfall events more often. What could the flow at Riverbank reach? How often will it occur here, assuming that New Melones is full when the flood event happens?

The RiverWalk EIR should also address what strengthening the levees around the project would do to un-strengthened levees downstream. If the levees around the RiverWalk area failed because they weren't strengthened, how much

benefit would that provide downstream towns like Ripon because the RiverWalk acreage had absorbed some of these floodwaters? The EIR should also evaluate the impacts of the opposite scenario.

We believe that the RiverWalk project EIR should be redone with maps that use at least 15,000 cfs flows at Riverbank for the 100 year flood plain. The RiverWalk project EIR should be redone after the Central Valley Flood Project Board has been able to update the Stanislaus River flows and floodplain with their new methodology. We believe properly updated flood maps will show that this project definitely should never be built.

Sincerely,

Kevin Wolf,
President, Restoring the Stanislaus River
724 N Street, Davis, CA. 95616
kevinjwolf@gmail.com

Miguel Galvez

From: Chad W <webquest@gmail.com>
Sent: Friday, May 17, 2024 11:13 PM
To: River Walk
Subject: When project starts?

Hi,

If everything works out, how long until this project starts developing? I have around 5 seniors ready to move in! Haha.

Thank you,

Chad Wright

Farmland Working Group

STRIVING TO PROTECT FOOD, FAMILIES AND FARMLAND

CITY OF RIVERBANK

May 10, 2024

MAY 16 2024

City of Riverbank

DEVELOPMENT SERVICES

Executive Board

Attn: Miguel Galvez, Contract City Planner

Chair
Jeani Ferrari
Turlock, CA

6617 Third Street
Riverbank, CA 95367

Vice Chair
Suzanne Byrd
Modesto, CA

Re: River Walk Specific Plan/Draft EIR Report, Riverbank, CA

Treasurer/Secretary
Chance Carrico
Stockton, CA

Dear Mr. Galvez,

Directors

Matt Beekman
Turlock, CA
Karen Conrotto
Modesto, CA
Denny Jackman
Modesto, CA
Garrad Marsh
Modesto, CA
Steve Stewart
Waterford, CA

The Farmland Working Group (FWG) appreciates the opportunity to comment on the River Walk Specific Plan Public Draft 1-31-24 and River Walk Specific Plan Draft EIR Volume 1 and 2. Since 1999, FWG has been a voice for wise land use and the long-term capability for food production in our region – the world's most productive farmland. After review of these documents, FWG has a variety of concerns regarding the incompleteness of these documents, the lack of compliance with other governmental agencies with overlapping jurisdiction with the City of Riverbank, and the lack of adherence to sound land use management practices that prevent detrimental impacts to current and future residents as well as the surrounding region.

It is unacceptable that Stanislaus County's formal response to the Notice of Preparation for the EIR, dated July 5, 2021, in volume 2 of the recent draft EIR, was not included with all the other response letters from government entities with legal purview. Given the County's jurisdiction over the property studied, its comments are germane and consequential. In its response, the County asserted that the proposed Sphere of Influence (SOI) expansion that encompasses the River Walk will not be in compliance with CEQA as a result of the lack of land use designation for 583 acres of land identified as Agricultural Resource Conservation Area. This issue has not been addressed or rectified in the current draft EIR. FWG believes this issue, in and of itself, is sufficient basis for not proceeding with the proposed certification of the EIR and subsequent SOI expansion request to LAFCO. In this same letter, the County also mentions concerns regarding agricultural resources, land use, hydrology, water quality, transportation and circulation that have not been adequately addressed in the draft EIR. Without the County's letter in the original packet, FWG questions whether the City of Riverbank's public outreach has been sufficient or complete.

The EIR does not adequately address the viability of a secure, long-term water supply. The SOI expansion and proposed River Walk project will be entirely reliant on ground water.

Farmland Working Group is a tax-exempt organization under Section 501 (c)(3) of the Internal Revenue Code.
Our tax identification number is 31-1651684

www.farmlandworkinggroup.org

SJ/gb

The City of Riverbank is part of the Modesto Subbasin. Recently, the Modesto Subbasin's Groundwater Sustainability Plan (GSP) was rejected by the State of California. As such, a determination of the quantity of the available potable water supply is not possible without an accepted GSP by the State of California that would confirm any potential mitigation measures that prevent overdraft of the basin. FWG asserts that proceeding with the SOI expansion without a legally adopted GSP would be reckless.

FWG has previously expressed concerns over building in a flood plain. The EIR is incomplete in fully addressing flood threats. The EIR states that Zone X will have a less than 1% chance of annual flooding because it is protected by levees. No reference is made in the entire EIR of the structural soundness of the levees that were *constructed over 70 years ago*. It is unlikely that the levees were constructed to current regulatory standards with the intent to protect a residential area. At minimum, an analysis of the levees needs to be completed to certify the EIR considering that Zone X comprises almost 50% of the total acreage in the EIR.

If approved in its current form, the SOI expansion and River Walk project would directly violate sound planning principles and policies of governmental entities with overlapping jurisdiction. Per section 3.10:

*"...the existing RTP/SCS mapping has not identified growth, or the land uses proposed within the Plan Area into its projections, or land use maps contained within the RTP/SCS. Therefore, implementation of the proposed Project may exceed the growth assumptions contained in the RTP/SCS. **As such, the proposed Specific Plan would result in growth in the City that is inconsistent with the underlying assumptions used to develop strategies in the RTP/SCS.**"*

There is no guarantee that the RTP/SCS would be amended to conform to needs outlined in the EIR given the fact the City of Riverbank has only one vote on StanCOG, the governing body that adopts the RTP/SCS. Additionally, given the long delays in obtaining transportation funds, it is a good practice to develop transportation plans and funding strategies well in advance.

The SOI expansion and Specific Plan also violate many Stanislaus Local Agency Formation Commission (LAFCO) policies. This was directly articulated in the Stanislaus LAFCO response letter to the Notice Of Preparation dated June 29th, 2021. To summarize, the SOI expansion and River Walk Specific Plan directly violate multiple LAFCO and State of California sphere of influence policies as well as the LAFCO policy of encouraging logical boundaries. The City of Riverbank does not have an updated Municipal Service Review (MSR) prepared and its sewer master plans are from 2007. The City of Riverbank would not be in compliance with Government Code Sections 56425 and 56430 if it were to pursue an SOI expansion without updates to these important documents.

Per section 3.10:

"The Riverbank Housing Element identifies development potential within the city limit (1,870 units) and 4,842 units within the SOI." Currently, Riverbank has enough zoned land inventory to build 6,712 units. Without a sphere expansion, Riverbank can comply with current and future State of California housing mandates referred to as the Regional Housing Needs Allocation (RHNA). The Cycle 6 (2023-2031) RHNA unit requirements for Riverbank are 3,591 total units. FWG understands that these units are for a variety of income levels and zoning densities. Given the multitude of strategies to comply with RHNA i.e. consideration of ADU's, density bonuses, etc., Riverbank currently has more than ample inventory to comply with current and future RHNA cycles. FWG also understands that RHNA estimates have historically dramatically overestimated the need for housing and are rarely if ever met in previous cycles.

Pursuing the SOI expansion given current available land would be a clear demonstration of a lack of adherence to infill development and rudimentary land use principles. It would also be a clear demonstration of a lack of adherence to LAFCO Policies 21 and 22 articulated in section 3.10.

Policy 21-Development of Vacant or Underutilized Land Prior to Annexation of Additional Territory, of the General Powers and Policy Guidelines documents states that the following shall be considered with regards to development of vacant and underutilized land prior to annexation of additional territory:

- a. Development of existing vacant non-open space and non-prime agricultural land within an agency's boundaries is encouraged prior to further annexation and development.*
- b. Annexation proposals to cities or districts providing urban services of undeveloped or agricultural parcels shall show: that urban development is imminent for all or a substantial portion of the proposal area; that urban development will be contiguous with existing or proposed development; and that a planned, orderly, and compact urban development pattern will result. Proposals resulting in leapfrog, noncontiguous urban development patterns shall not be approved.*

Policy 22-Agricultural Preservation Policy. Consistent with the legislative intent of LAFCO, the goals of this policy are as follows:

- Guide development away from agricultural lands where possible and encourage efficient development of existing vacant lands and infill properties within an agency's boundaries prior to conversion of additional agricultural lands.*
- Fully consider the impacts a proposal will have on existing agricultural lands.*
- Minimize the conversion of agricultural land to other uses.*
- Promote preservation of agricultural lands for continued agricultural uses while balancing the need for planned, orderly, development and the efficient provision of services.*

There is no doubt that the SOI expansion and River Walk project will be growth inducing given its location. This was articulated in the City of Modesto's response letter dated July 2, 2021. In this letter it is stated:

"The current proposal will undoubtedly result in additional future growth beyond the project area with additional impacts to adjacent communities. The proposed development is located in an area between three communities where regional discussions have not occurred."

Per section 3.10:

"Growth inducement may constitute an adverse impact if the growth is not consistent with or accommodated by the land use plans and growth management plans and policies for the area affected. Local land use plans typically provide for land use development supported by adequate urban public services, such as water supply, roadway infrastructure, sewer service, and solid waste service."

FWG is concerned that there will be severe adverse secondary effects that have not been fully articulated let alone mitigated in the draft EIR. Simply stated, Riverbank currently lacks a justifiable policy reason to further expand its boundaries. There are, however, many reasons to not proceed, most of which are adequate justification for not proceeding in isolation. There are additional reasons, not stated, that will be problematic for successful development projects in the stated area. The presence of active Williamson Act contracts and a gun range adjacent to proposed residential development will continue to be challenges.

A sphere expansion would not be in the best interests of the City, its residents, and the surrounding communities. Given the incompleteness of the EIR, the lack of regional planning to sustain the River Walk project, the continued lack of clarity on water availability, and the rapid conversion of prime farmland, Farmland Working Group recommends that city staff, planning commissioners, the mayor and council members take a pragmatic, fact-based approach and discontinue pursuing the SOI expansion and River Walk project.

On behalf of the Board,


Jeani Ferrari

Chairperson

Farmland Working Group

Enclosures (2)

CC: See next page

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On behalf of the Board,



Jeani Ferrari

Chairperson

Farmland Working Group

Enclosures (2)

CC: See next page

City of Riverbank, City Council

City of Riverbank, Planning Commission

Stanislaus Local Agency Formation Commission (LAFCo)

Sierra Club, Yokuts Group

Audubon Society, Stanislaus

Voters for Farmland

League of Women Voters of Stanislaus County

Friends of the Swainson's Hawk

MAY 16 2024

Proposed Riverwalk Project

dEIR

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5/15/2024

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SVJ

Summary Comments:

May 15th, 2024

City of Riverbank
Attn: Miguel Galvez, Contract City Planner
6617 Third Street
Riverbank CA 95367

RE: River Walk Specific Plan/Draft Environmental Impact Report, Riverbank, CA

Dear Mr. Galvez:

I would like to comment on the proposed River Walk Specific Plan project so that it becomes part of the public record and is included in the Final Environmental Impact Report for the referenced project.

I live at 2209 Cedarwood Circle, District 3. I have spent numerous hours and time reading thru the 2200 pages of the dEIR, Transportation study and related references..

I spent 37 years of my life working for the University of California, Davis with a focus on all the major agricultural commodities of California. I worked in Agricultural research with an emphasis on plant research and teaching. I have extensive experience in teaching greenhouse production in several different parts of the world including Iraq, Afghanistan, English Ghana, and Dubai.

First, I am a farmer, ag researcher and been engaged in agriculture over the last 68 years. My roots run deep within Stanislaus county and grew up, farmed in the area and the 4th generation and now the 5th generation of farmers is in the midst of growing and learning about agriculture.

Second, the Riverwalk project proposes to construct thousands of new homes, businesses, and infrastructure including parks, a walking trail around the entire perimeter, a new 4-lane road that would terminate onto McHenry Avenue, and two or three new water wells which would rely solely on groundwater to serve a 2-million gallon storage tank; nearly all of which would occur on river bottom land that is identified by the State Department of Conservation as 'Prime' agricultural Land.

The State defines "prime" as follows: "

- prime farmland has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustainable high yields." Crops including cherries, melons, pumpkins, almonds, walnuts, etc. these commodities add to the overall 5.671 billion dollar ag industry and 1.967 billion dollars of secondary business in Stanislaus county. There 26,551 direct jobs plus another 4,080 jobs from the multiplier effects

Third,

- Homes and businesses should be constructed on soils of lesser quality, not on "prime" farm land. This proposal has classes 1,2,3 and 4 soils and are very suitable for agricultural production.
- The City of Riverbank has more than ample pre-approved, land area which is available to construct thousands of new homes based on the 1,500 acres which was added to its Sphere of Influence dated July 29th 2016⁸. The need for this project has not been demonstrated.¹
- This project expands the City's 'sphere of influence'(SOI) beyond the approved 2016 SOI and would increase the sphere of influence by 1000 acres.
- "Riverbank should preserve open green spaces around the City to maintain a distinct identity"⁷

Fourth, the Riverwalk project has significant areas of concern:

- Agriculture is important to our history, economy, and culture. Riverbank should remain an agricultural area of significance for the region. We should conserve agricultural lands, nurture industries relying on agriculture, market local agricultural goods, and increase the productivity of local agriculture through research and development.^{1,2}
- This project does not provide for the long-term conservation and use of agricultural lands.²
- Development on a historical flood plain and been flooded numerous times⁶
- Protection and preservation of tribal cultural resources
- Traffic impacts including increased air pollution, increases gas emissions along with additional carbon releases from construction of roads, streets, and homes⁷.
- There are significant air quality issues including the construction, traffic and related transportation.
- The recent traffic study indicates significant increases in local traffic even with Road improvements along the McHenry and State Route 108 corridor.
- The City of Riverbank faces substantial financial obligations that are not revealed in this EIR. The city of Riverbank should update and increase its fee structure or the city is headed to a 'Train Wreck' that could run into to the significant costs.
- There are additional options for the agricultural acreage which need further consideration and review. For example, an agricultural conservation easement, conservancy, or riparian reserve
- With increased traffic additional road improvements would be needed and projected costs of the improvements along the 108 and McHenry corridor. It is not clear whether these improvements are City, State or developer costs
- Riverbank 'Shere of Influence'. Riverbank lacks justifiable policy reasons to further expand its boundaries beyond it current 2016 SOI
- The proposed project will not be in compliance with CEQA as presented the dEIR
- The dEIR does not address the long term sources of water and the obvious potential of overdraft and subsidence
- The proposed project lacks adherence to LAFCO polices 21 and 22
- Conservation easement for the Wendt Farm dated July 10th 2021 and approved by the Stanislaus Board of Supervisors. See attachment 2
- Increased noise and light pollution is significant even with new LED lighting systems
- The types of homes thru out the project does not meet the needs of the regional housing community. 2200 homes would consist of a community of mixed use with a significant number of homes for 55 and over. There are no lower income homes provided. This goes against the regional housing needs. Where is the commitment for tiny homes?
- Waste water treatment and how this will cross under the Stanislaus river and run to the existing river frontage in San Jaquin county. This has major issues along the riparian areas Biological resources including plant, animal, insects. For example: Elderberry(Sambucus spp.)shrubs are on the project sight and sole host plant for the Elderberry longhorn beetle.³



Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*)

- There various types of *Pituophis catenifer catenifer* - Pacific Gophersnake⁴.



-



- *Buteo swainsoni*(Swansion Hawk)⁵
- Removal of species habitat and vegetation including Elderberry brushes
- Amphibians and reptiles (Frogs, toads, fish, lizards)

In closing, I will submit additional comments per the Environmental impact report

If you have any need for further engagement, please contact me at 530-681-6577 or via email at garrypearson@sbcglobal.net

Best regards,

Handwritten signature of Garry Pearson.

References cited

1. <https://www.riverbank.org/DocumentCenter/View/241/Agricultural-Resources-Option-4-?bidId=>
2. <https://www.stancounty.com/planning/pl/gp/current/gp-introduction.pdf>
3. <https://www.fws.gov/species/valley-elderberry-longhorn-beetle-desmocerus-californicus-dimorphus>. See attachment 1 from Dr. Lynn Kimsey
4. <https://californiaherps.com/snakes/pages/p.c.catenifer.html>
5. <https://wildlife.ca.gov/Conservation/Birds/Swainsons-Hawk>
6. <https://stanoes.com/pdf/lhmp/Annex-G-City-of-Riverbank.pdf>
7. <https://www.riverbank.org/DocumentCenter/View/249/Staff-Report-?bidId=>
 - a. Page 9 thru 11
8. <https://www.riverbank.org/DocumentCenter/View/2347/Riverbank-Traffic-Impact-Fee-Update---Final---7-16-20> Page 13
9. <https://riverbank.org/DocumentCenter/View/4059/KDA-Riverwalk-Specific-Plan-Transportation-4-11-23rpt>

Additional comments to address:

1. <https://www.stancounty.com/planning/pl/pdf/draft-2023-2031-housing-element.pdf>
From 1.7.4 Public Comment Survey:

The survey was released to the public online on August 2, 2022 and remained open until August 15, 2022. The survey was also made available during various community outreach events. A total of 148 people responded to the survey. The following themes were collected from the community survey:

- ☑ A need for lower-priced rentals and homes were ranked as the highest priority.
- ☑ “Housing that is affordable for all,” “more opportunities for home ownership,” and “more rental housing,” were scored as the top three housing-related needs within the coming 10 years.
- ☑ A need for co-housing (housing with an emphasis on community living, i.e.: shared open spaces, or kitchens).
- ☑ Respondents identified affordability of housing as the most urgent housing issue in the county.
- ☑ Respondents identified areas near public transit stops, employment, and shopping centers as the most suitable for new housing development.
- ☑ Respondents identified landlord/tenant counseling and education/information on tenant rights as the two most-needed services in their communities.
- ☑ Respondents identified down payment assistance for lower-income first time homebuyers and home repair assistance for low-income homeowners as the most needed services.

2. https://hdp-us-prod-app-emc-engage-files.s3.us-west-2.amazonaws.com/8316/9275/1824/City_of_Newman_6th_Cycle_Public_Draft_Housing_Element.pdf

“Riverbank should preserve open green spaces around the City to maintain a distinct identity

Riverwalk
EIR Comments for 3.2-1
2024

-Draft Environmental Impact Report-River Walk Specific Plan(dEIR)

comments

- **3.2-1:** The proposed Specific Plan has the potential to result in the conversion of Farmlands, including Prime Farm land, Unique Farmland, and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses.

Comment: This project would remove acreage in current agricultural production of up to 1000 acres of 'Prime' Agricultural land and replace with 2200 houses of various designations. The proposed mitigation of this prime agricultural land does not provide where this mitigation would come from? Is this coming from existing ag lands? Where in the 'Sphere of influence' does the City of riverbank anticipate purchasing ag lands in like quality and production? Is the developer/ landowner going to provide replaced ag land at an assessed value?

The state of California has stated it is a state priority to keep productive agriculture land.

The State defines "prime" as follows: "

- prime farmland has the best combination of physical and chemical features able to sustain long-term agricultural production. This ag acreage has the soil quality, growing season, and moisture supply needed to produce sustainable high yields." Crops including cherries, melons, pumpkins, almonds, walnuts, and vegetables. These commodities add to the overall 7.4 billion dollar ag industry and 2.4 billion dollars of secondary business in Stanislaus county.
- **Table 3.2.1 Summary compassion of Crop Values**

3.2 AGRICULTURAL RESOURCES

TABLE 3.2-1: SUMMARY COMPARISON OF COMMODITY VALUES

PRODUCT TYPE	2020 VALUE IN DOLLARS
Aplary Products	\$ 105,638,000
Field Crops	\$ 172,816,000
Fruit and Nut Crops	\$ 1,365,573,000
Livestock and Poultry	\$ 608,798,000
Livestock and Poultry Products	\$ 782,421,000
Nursery Products	\$ 210,746,000
Organic Products	\$ 37,528,000
Other Agriculture	\$ 29,047,000
Vegetable Crops	\$ 163,526,000

SOURCE: STANISLAUS COUNTY CROP REPORT, 2020.

Comment: The chart above demonstrates the economic value for Stanislaus county. The proposal would remove crop production of Wine grapes, almonds, Walnuts, vegetable crops(tomatoes), Cherries, apiary production, melons, pumpkins, corn, row crops and agronomic crops. Stanislaus County is a robust and profitable agricultural county ranking 8th in the nation for agricultural value! Every acre is an economic unit and what is produced is a national and global source of food! This proposed project would eliminate this ag acreage.

- **Table 3.2.2 capability classification**

TABLE 3.2-4: STANISLAUS COUNTY FARMLANDS SUMMARY AND CHANGE BY LAND USE CATEGORY

LAND USE CATEGORY	2016-2018 ACREAGE CHANGES							
	TOTAL ACREAGE INVENTORIED				ACRES	ACRES	TOTAL	NET
	2016		2018		LOST	GAINED	ACREAGE CHANGED	ACREAGE CHANGED
	Acres	Percent	Acres	Percent	(-)	(+)		
Prime Farmland	249,964	25.7%	250,420	25.8%	1,328	1,784	3,112	456
Farmland of Statewide Importance	33,172	3.4%	33,042	3.4%	596	466	1,062	-130
Unique Farmland	116,212	12.0%	121,930	12.6%	166	5,884	6,050	5,718
Farmland of Local Importance	26,030	2.7%	23,058	2.4%	3,591	619	4,210	-2,972
IMPORTANT FARMLAND SUBTOTAL	425,378	43.8%	428,450	44.2%	5,681	8,753	14,434	3,072
Grazing Land	404,404	41.7%	400,541	41.2%	4,896	1,033	5,929	-3,863
AGRICULTURAL LAND SUBTOTAL	829,782	85.5%	828,991	85.4%	10,577	9,786	20,363	-791
Urban and Built-up Land	66,229	6.8%	66,810	6.9%	131	712	843	581
Other Land	66,682	6.9%	66,936	6.9%	1,258	1,512	2,770	254
Water Area	7,480	0.8%	7,436	0.8%	44	0	44	-44
TOTAL AREA INVENTORIED	970,173	100%	970,173	100%	12,010	12,010	24,020	0

SOURCE: CA DEPARTMENT OF CONSERVATION, DIVISION OF LAND RESOURCE PROTECTION TABLE A-41, 2018.

EXISTING SITE CONDITIONS

The current uses in the Project Area are predominantly agricultural operations, including almond and walnut orchards in the eastern/southeastern portion of the Project Area and cherry orchards and fallow land in the western/central portion of the Project Area. The land in the

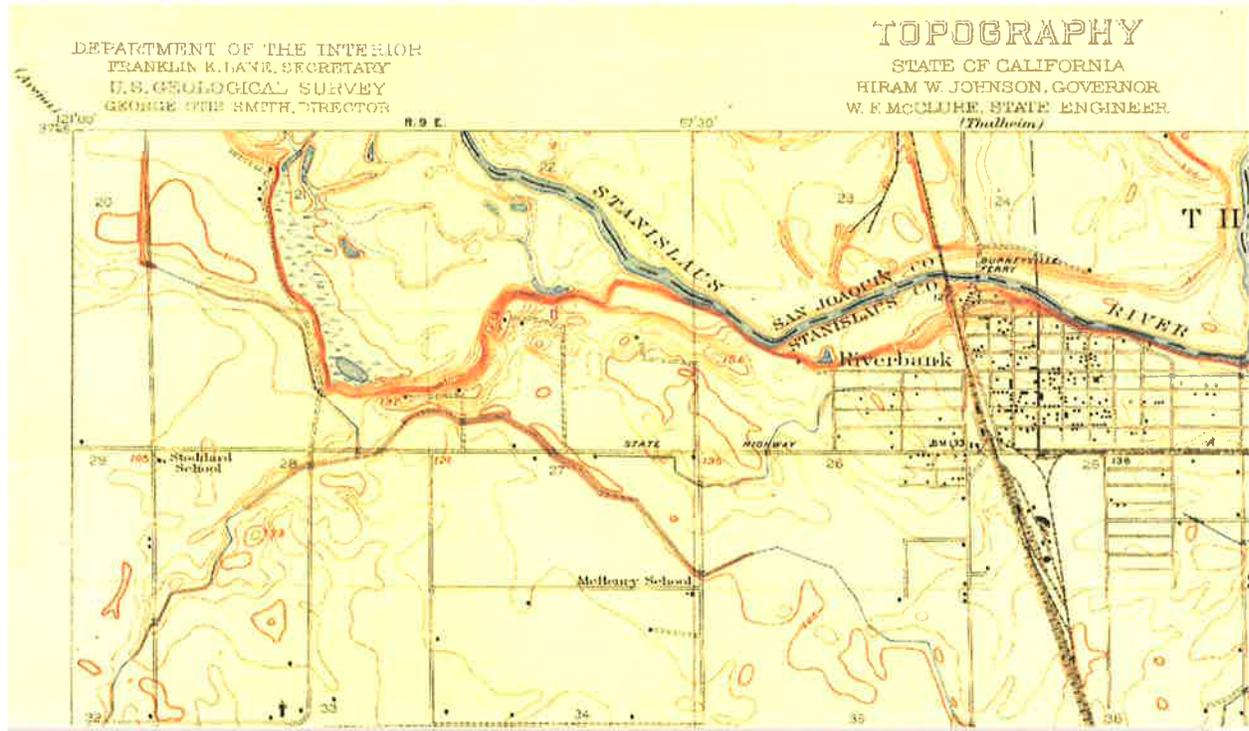
Comment: The Agricultural land in the project area is 'Agricultural' with many other crops besides Almonds and Walnuts... Cherries, row crops, cereal crops, melons, pumpkins, tomatoes and other crop rotations are evident and productive thru out the last 50 years. This use is a very productive area and will be productive for many many years ahead..

Please note that the Google earth photo is significantly outdated and reflects crops that were grown over 5 years ago. For future please use Earthview.org.



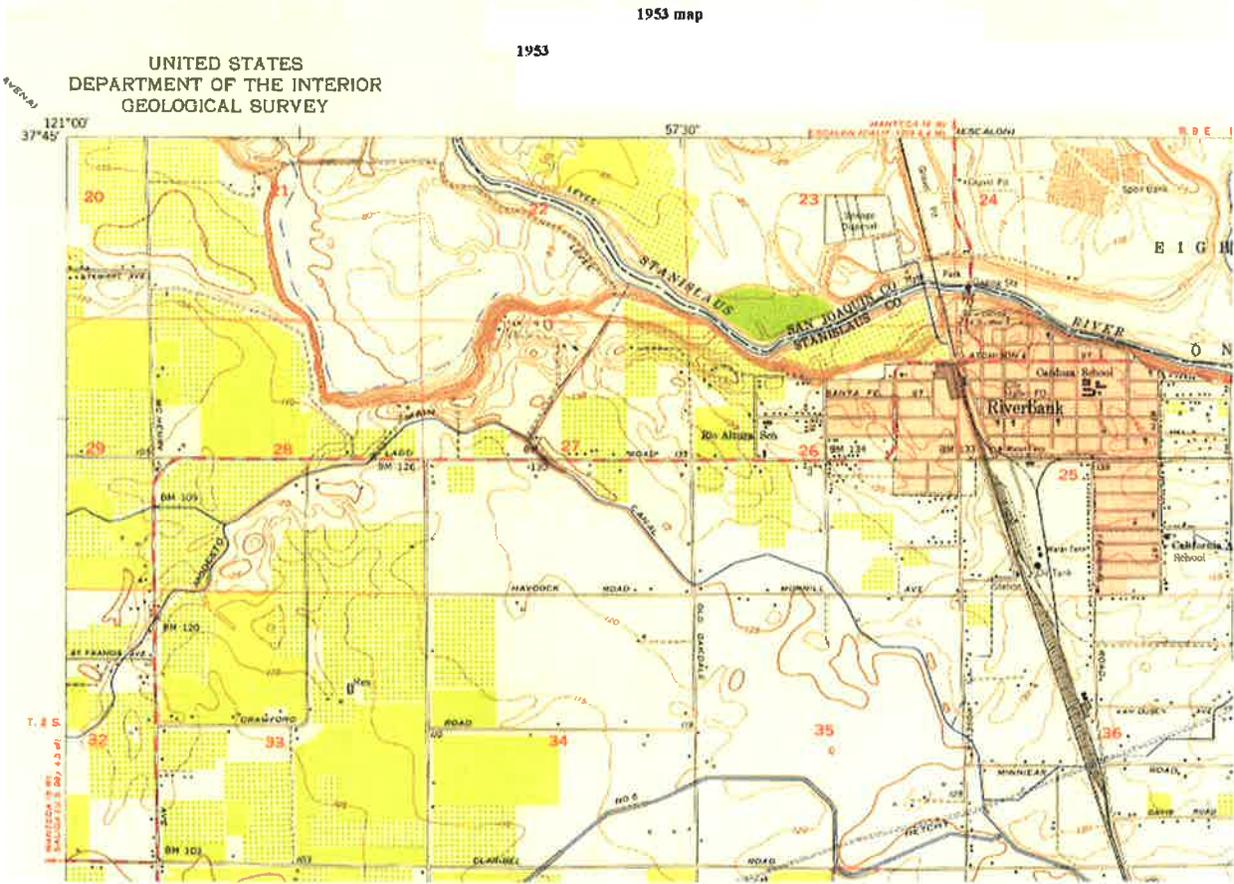
Below is a sequence of maps from the USGS.

1916. This Map indicates the majority of the project area was marsh and wetland

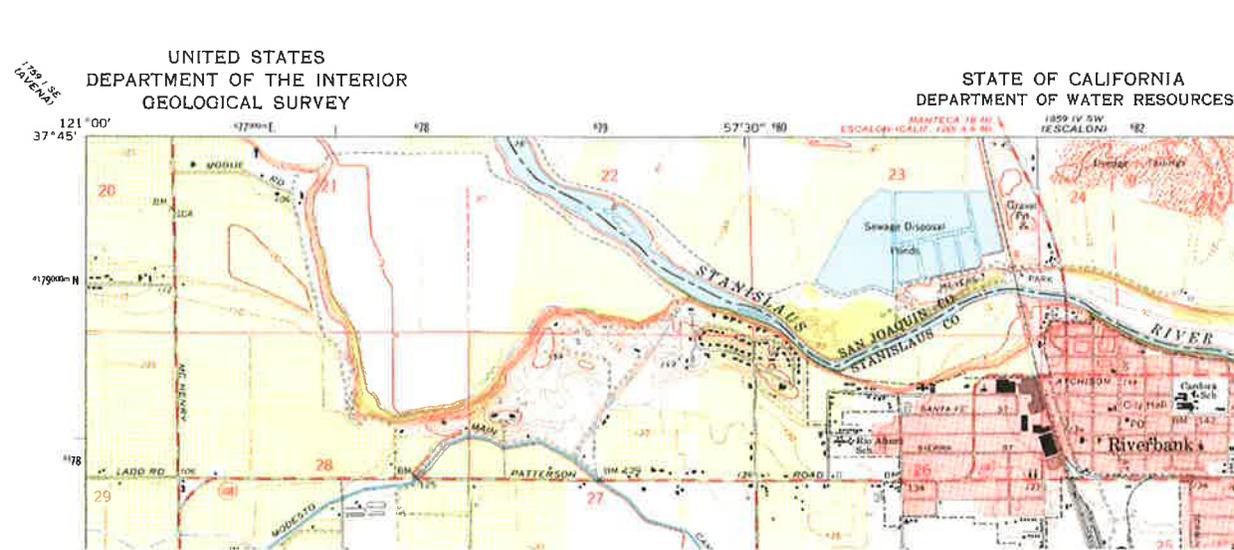


1953. This map indicates the project site had eliminated the marsh and wetlands and in 1953 the red shaded area was an active side slough. After 1953 the levee was

built to protect the farm land.



1969. This map below indicates the project site is fully developed as agricultural production



2021 This map shows the further development of Agricultural production.

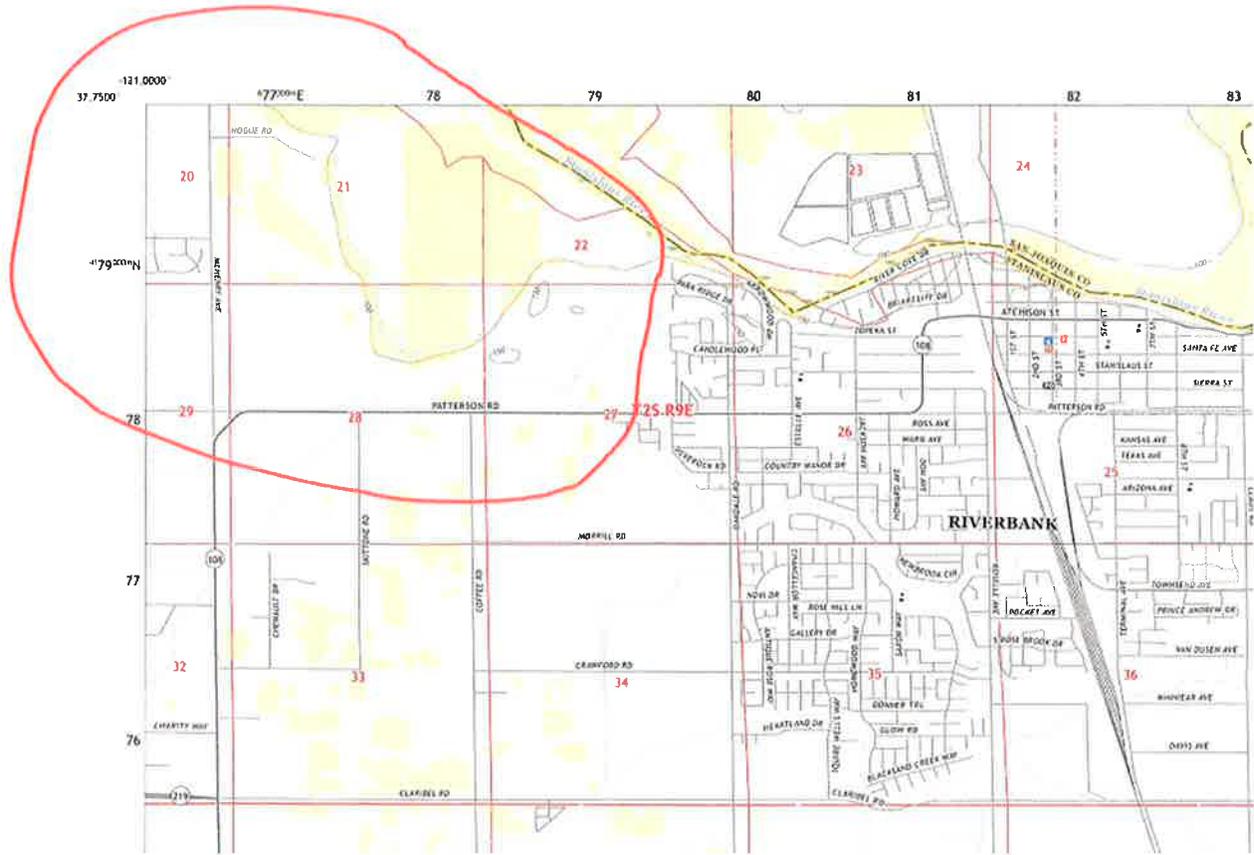


Table 3.2.7 Williamson Act Contracts

3.2 AGRICULTURAL RESOURCES

TABLE 3.2-7: WILLIAMSON ACT CONTRACTS

ACCESSOR PARCEL NUMBER (APN)	CONTRACT DATE	ACRES*	PLAN AREA OR SOI
APN: 074-001-001	1974	62.00 acres	SOI
APN: 074-001-008	1976	0.78 acres	SOI
APN: 074-001-009	1976	1.88 acres	SOI
APN: 074-001-010	1974	18.00 acres	SOI
APN: 074-001-011	1980	3.32 acres	SOI
APN: 074-002-024	1974	1.52 acres	SOI
APN: 074-002-025	1974	2.13 acres	SOI
APN: 074-003-013	1975 **	26.00 acres	Plan Area
APN: 074-003-014	1975 **	9.22 acres	Plan Area

*APPROXIMATE ACRES

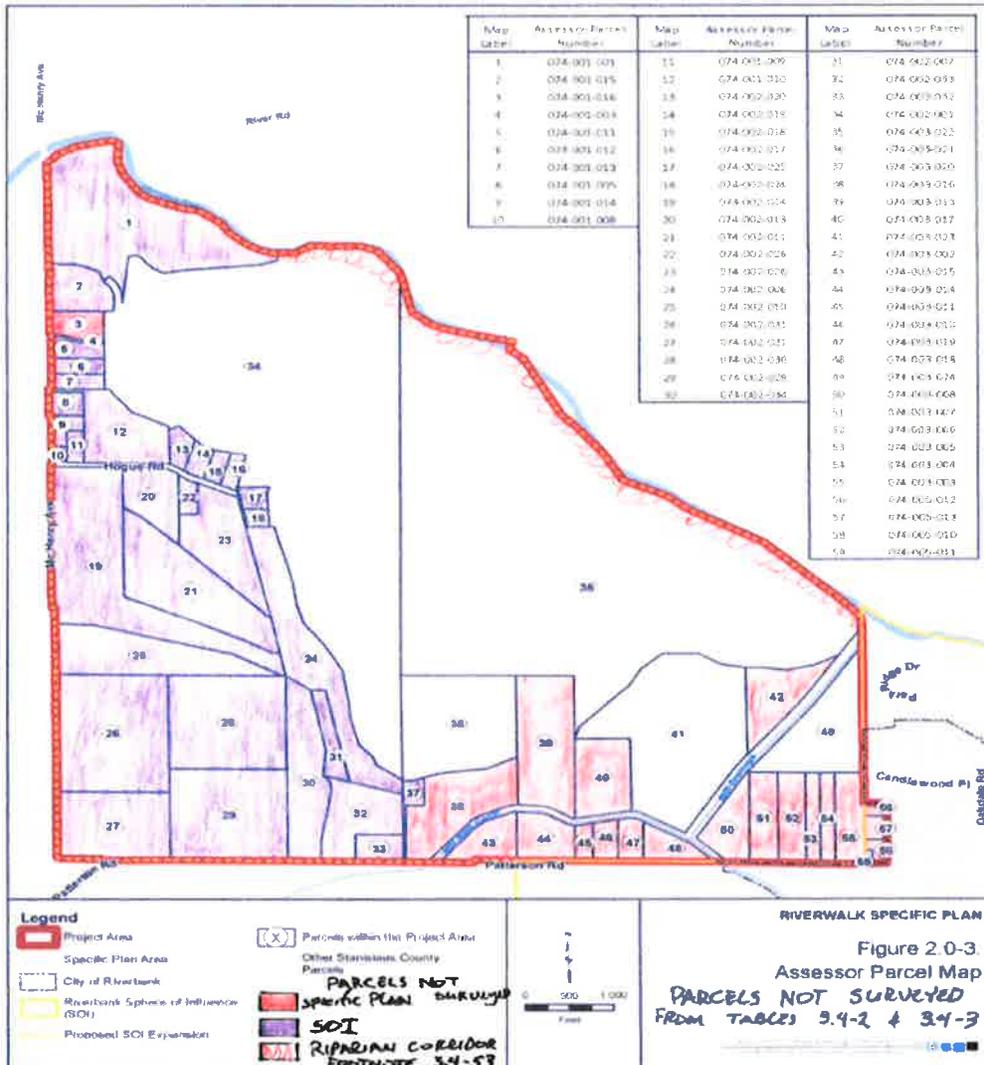
** PARCELS WITH PROTEST UPHELD BY LAFCo ON APRIL 19, 1978.

SOURCE: STANISLAUS COUNTY WILLIAMSON ACT PARCELS AND NON-RENEWALS, SEPTEMBER 2015; CONSERVATION BIOLOGY INSTITUTE, 2015.

Comment: I concur with the Environmental impact statement as the properties at present are under Williamson act and if removed as designated would substantially cause harm to the land owners. The plan does need to strongly say that there is a "Right to Farm". under the CALIFORNIA CIVIL CODE § 3482.5, "THE RIGHT TO FARM ACT" Link is [here](#) for consideration

Below is an image showing the parcels and related numbers. The EIR left out two parcels...and relate to tables 3.4-2 and 3.4-3

Comment: is this an oversight by the writers of this report?



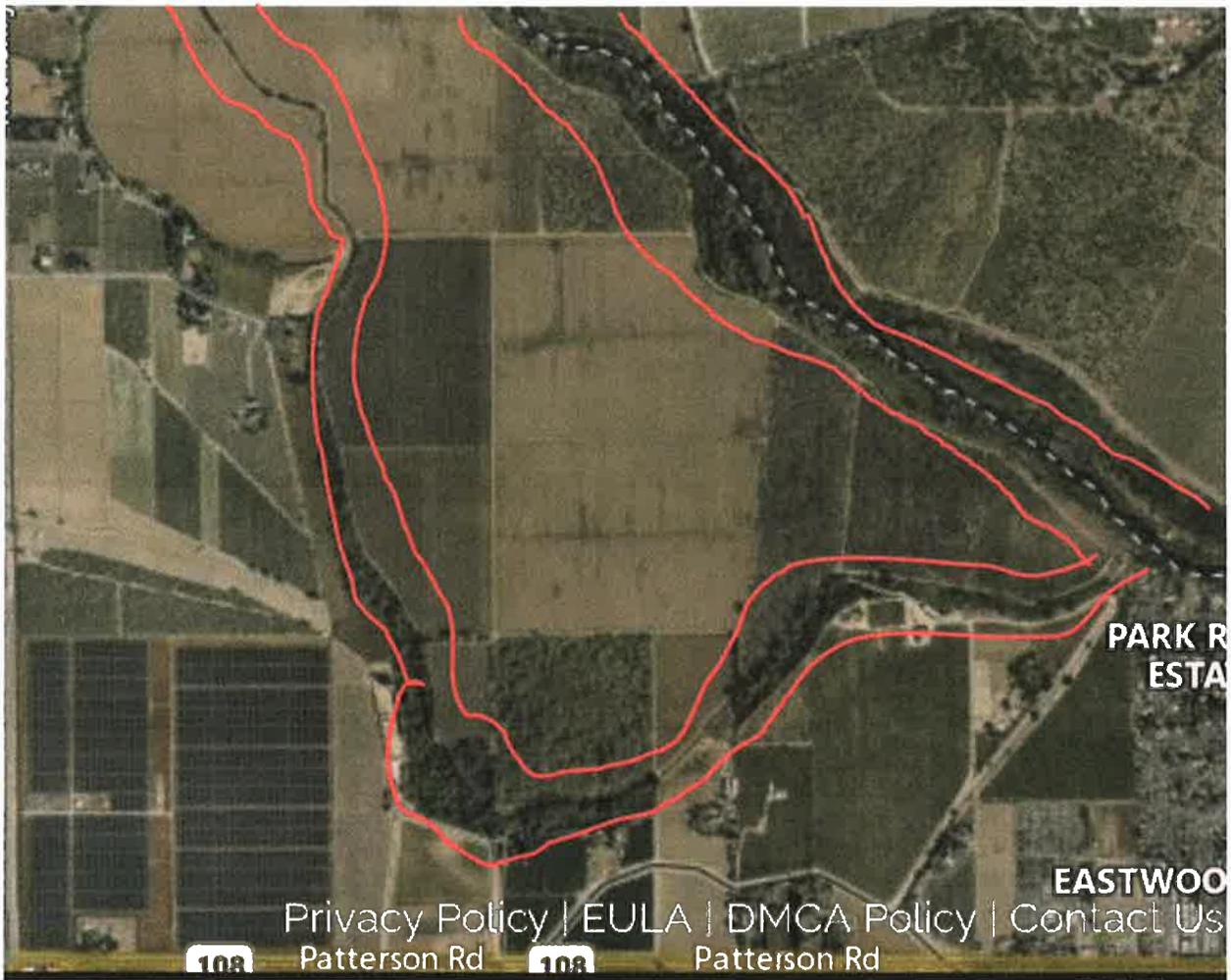
• **3.4 Biological Resources**

Comments:

First, A 'qualified' Biologist(s) is an incorrect term... The project should have a qualified University level Entomologist, Botanist, Taxonomist, wildlife or governmental qualified staff to review the project and the entire area being proposed.

For example: the Valley Elderberry Longtail Beetle (*VELB*) and the habitats are extensive throughout the project area. I have attached the letter from Dr. Lynn Kimsey from UC Davis Bohart Museum¹ See below from earthview.org

Second, Red highlighted area below is the slough with important Biological resources. Additionally along the main river are numerous animals, plants and insects². Historically this the proposed site was a marsh and riparian area.



Third, the project does impact biological resources significantly. There are sighted and documented raptors, birds, reptiles, amphibians, animals,

plants and significant insects. Genetic diversity along the Stanislaus is very evident. Animals include owl(two types),Mule deer, river otter, squirrel, rabbits(two types), beaver, numerous bird species and Kit fox. Local birds are Rock Wren and Rufous-crowned Sparrow, Acorn Woodpeckers, Red-breasted Sapsucker, and Phainopepla^{3,4}

Impact 3.3-1: Project operations could result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment, and could conflict or obstruct implementation of the District's air quality plan.

<i>Site</i>	<i>Acreage</i>	<i>Percentage Contribution (%)</i>
<i>Village A</i>	83.08	12.74%
<i>Village B</i>	25.21	3.87%
<i>Village C</i>	59.76	9.17%
<i>Village D</i>	47.86	7.34%
<i>Village E</i>	34.51	5.29%
<i>Village F</i>	39.39	6.04%
<i>Village G</i>	22.62	3.47%
<i>Village H</i>	20.62	3.16%
<i>Village I</i>	10.02	1.54%
<i>Village J</i>	24.02	3.68%
<i>Village K</i>	37.16	5.70%
<i>Village L</i>	48.08	7.38%
<i>Village M</i>	19.11	2.93%
<i>Village N</i>	10.28	1.58%
<i>Village O</i>	24.89	3.82%
<i>Village P</i>	18.09	2.77%
<i>Village Q</i>	25.35	3.89%
<i>Village R</i>	25.21	3.87%
<i>Mixed Use Area 1</i>	44.02	6.75%
<i>Mixed Use Area 2</i>	8.07	1.24%
<i>Mixed Use Area 3</i>	7.28	1.12%
<i>Mixed Use Area 4</i>	8.01	1.23%
<i>Mixed Use Area 5</i>	5.35	0.82%
<i>Mixed Use Area 6</i>	4.04	0.62%
<i>Mixed Use Area 6</i>	4.04	0.62%
<i>ROW</i>	63.37	0%
<i>Community Park</i>	15.42	0%
<i>BGOS, Park, Basin, Reserve</i>	790.60	0%
<i>Total</i>	1 21. 1	100.0%

Comment: The site area designations as summarized does not indicate ‘Low income housing’. This region and county lacks affordable housing. I suggest that if the project proceeds that 40% of the houses be designated low income/ affordable in order to meet the Stanislaus and regional housing needs.

1. How will the age restriction be implemented and enforced?
Example: I am over 55 and I buy an age-restricted home. I'm 55+ so I qualify, but after I move in my daughter goes thru a divorce and has to move into our home because of family issues. Do I have to move out of my age-restricted house and buy a non-age restricted one? And who will police this? It appears from this project proposal that is developing a gated community.

- This Project does not contribute to the affordability of homes in the Riverbank Area. As described the project median priced home would be in the 600K and above. Most buyers would already have existing homes and purchase with equity from the sale of the current home. The demographic for this project targets 55+ age. Should not this project be targeted towards the 28-35 age range and does Riverbank already have enough planned space for the 28-35 age range(see city of Neuman) and the project proposal for Patterson.. comments from the Stanislaus housing elements are listed below.

Source:

<https://www.stancounty.com/planning/pl/pdf/draft-2023-2031-housing-element.pdf>

The survey was released to the public online on August 2, 2022 and remained open until August 15, 2022. The survey was also made available during various community outreach events. A total of 148 people responded to the survey. The following themes were collected from the community survey:

- **A need for lower-priced rentals and homes were ranked as the highest priority.**
“Housing that is affordable for all,” “more opportunities for home ownership,” and “more rental housing,” were scored as the top three housing-related needs within the coming 10 years.

- A need for co-housing (housing with an emphasis on community living, i.e.: shared open spaces, or kitchens).
- Respondents identified affordability of housing as the most urgent housing issue in the county.
- Respondents identified areas near public transit stops, employment, and shopping centers as the most suitable for new housing development.
- Respondents identified landlord/tenant counseling and education/information on tenant rights as the two most-needed services in their communities.
- Respondents identified down payment assistance for lower-income first time homebuyers and home repair assistance for low-income homeowners as the most needed services.

COMMENT:

Community responses from interviews with Local Riverbank residents indicate

‘I can’t afford a home even tho we have two incomes’.. Even when homes are costing \$400,000 to \$500,000.

‘I have to live with my parents and share a home because I can’t afford a house in Riverbank

- The average income for Stanislaus/ San Jacquin is \$73,982 and \$80,681 respectively
Source: <https://www.deptofnumbers.com/income/california/>
- Loan rates for current housing is below:
 - **15-Year Fixed-Rate Mortgage:**
An interest rate of 6.375% (6.897% APR) is for the cost of 2.00 point(s) (\$5,000.00) paid at closing. On a \$250,000 mortgage, you would make monthly payments of \$2,160.63. Monthly payment does not include taxes and insurance premiums. The actual payment amount will be greater. Payment assumes a loan-to-value (LTV) of 80.00%. Rates shown valid on publication date as of Thursday, March 14, 2024.
 - **30-Year Fixed-Rate Mortgage:**
An interest rate of 6.875% (7.19% APR) is for the cost of 1.875 point(s) (\$4,687.50) paid at closing. On a \$250,000 mortgage, you would make monthly payments of \$1,642.33. Monthly payment does not include taxes and insurance premiums. The actual payment amount will be greater. Payment assumes a loan-to-value (LTV) of 80.00%. Rates shown valid on publication date as of Thursday, March 14, 2024.
 - **10-Year Home Equity Loan**
An interest rate of 8.625% (8.991% APR) is for the cost of 1.50 point(s) (\$750.00) paid at closing. On a \$50,000 mortgage, you would make monthly payments of \$600.06. Monthly payment does not include taxes and insurance

premiums. The actual payment amount will be greater. Payment assumes a loan-to-value (LTV) of 11.43%.

○ **20-Year Home Equity Loan**

An interest rate of 8.75% (8.604% APR) is for the cost of 1.50 point(s) (\$750.00) paid at closing. On a \$50,000 mortgage, you would make monthly payments of \$414.34. Monthly payment does not include taxes and insurance premiums. The actual payment amount will be greater. Payment assumes a loan-to-value (LTV) of 11.43%.

Comment: It appears that people with the average income in Stanislaus and San Joaquin would have a difficult time qualifying for a home in any of the listed categories.

Impact 3.3-2: Proposed Project construction activities could result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment and could conflict or obstruct implementation of the District's air quality plan.

Comment: this project over the next 100 years would greatly contribute to air quality including higher Carbon Monoxide, higher car emissions and other greenhouse gases. Typical a passenger vehicle emits about 4.6 metric tons of carbon dioxide, methane, and nitrous oxide per year. Electric vehicles (EVs) have no tailpipe emissions; however, emissions are created during both the production and distribution of the electricity used to fuel the vehicle. Hybrid vehicles will contribute to air pollution when the gas engine side of the vehicle. Point here is emissions and traffic over the next 100 years will significantly increase if this project is approved!!!

The EIR identifies significant net emissions increases, after mitigation, due to the project. But makes the argument that they will have a less than significant impact with the implementation of Mitigation Measures 3.3-1, 3.3-2 and 3.3-3.

Issues:

- “Kick the can down the road”
- These “Mitigation” measures are only commitments to future analysis not enforceable commitment to justify a finding of less than significant.
- It is unclear how the project proponent or approving agency will ensure that the overall project will not exceed SJAPCD thresholds since specific mitigation measure or backstop measures are not proposed.
- Measures 3.3-1(b) and 3.3-2 essentially shifts the responsibility of ensuring no significant impact to the individual developers of 18 individual villages and 4 mixed use areas. This is project splitting and not allowed under CEQA guidelines. Moreover this approach will create significant issues with public oversight, tracking, accounting, and enforcement. It is unclear how the project

proponent will ensure that the cumulative impact from the overall project will be less than significant.

Recommendation:

- Find that the project as currently proposed will have a cumulatively considerable net increase in non-attainment pollutants and could conflict or obstruct implementation of the District's air quality plan.

With this finding the approving agency could make a Finding of Overriding Consideration or have the project proponent develop and enforceable commitment to no net increase in emissions from the project.

Page 31. This sentence is unclear.

Therefore, with implementation of Mitigation Measure 3.3-1, Mitigation Measure 3.3-2, and Mitigation Measure 3.3-3, the Project's potential to result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment, and therefore the proposed Project's potential to conflict with or obstruct implementation of the applicable air quality plan, would be considered to have a *less than significant* impact.

Page 33.

Note: Right of way, community park, and bluff acreage were not included as a contribution, since this table is only designed to apportion responsibility for the overall required reduction in criteria pollutant emissions for each site/applicant.

Questions:

Who is responsible for the construction and operational emission from these activities?

Who will be responsible for AAQA, indirect source, CPRP analysis for these sources?

Page 28.

Nevertheless, it should be noted that such exceedance of the ROG threshold would likely only occur in later phases of the Project, rather than in the early phases of Project operation, when only a proportion of the Project is built out.

Acknowledges exceedance but does not propose mitigation?

Page 29

The Project would generate emissions of PM during Project operational activities, as shown in Table 3.3-10. Although the exact effects of such emissions on local health are not known, it is likely that the increases in PM generated by the proposed Project would be minimal, even for people with impaired respiratory systems, located in the immediate vicinity of the Project site.

Respect to Tables 3.3-8 and 3-3-9. There is no table represented for Construction emissions and related activities. Table 3-3.9 does not support the argument minimal health effects.

The project will generate emissions of PM in an area that is non-attainment for PM. This fact does not support a statement that the increase would be “minimal.” We suggest further assessment be done in this area of emissions.

Page 25

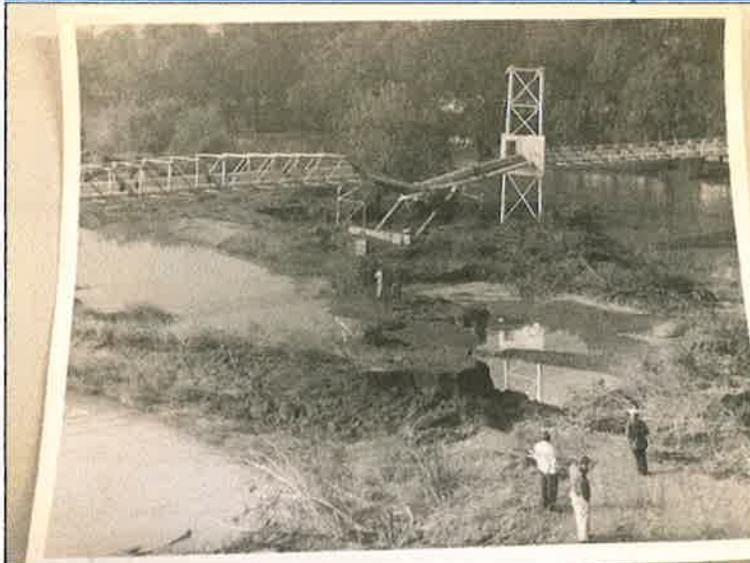
“No heaths.” Does this mean no gas/wood burning fireplaces and wood burning stoves? If not, these emissions need to be accounted for. Does this mean that homes will only be electrically operated?

Impact 3.9-1: The proposed Project has the potential to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

This project could threaten significantly the Stanislaus river from the proposed waste treatment facility all the way to the delta upon a massive raw sewage release.

Here are examples where the cross trussell broke:

- <https://thevalleycitizen.com/did-conagra-wastewater-pollute-the-stanislaus-river/> March 28, 2023
- <https://stocktonewd.specialdistrict.org/files/7939602c4/Stanislaus-Final-2021-WSS.pdf>
 - [Report from 2021](#)
- [Past history of the waste and sewer system show that the main sewer system crossing over the stanislaus has failed several times! See pictures below:](#)



- [Broken sewer system across Stanislaus river in 1950's.](#)
 - Source: Riverbank history Museum



-
- Source: Riverbank history Museum
- Sewer Line repair on the main sewer line crossing the Stanislaus river going towards the waste water treatment plant in San Jacquin County adjacent to the Jacob Meyer Park



-
- Broken Sewer line under high water conditions
 - Source: Riverbank history Museum

From the Waste Water recycled water Project Dated : See this link [here](#). See reference also under waste water in reference section

PROJECT BACKGROUND AND OVERVIEW

The City of Riverbank (City) is proposing to expand capacity at its wastewater treatment plant (WWTP) to accommodate future growth. The existing WWTP treats effluent to an equivalent secondary level and discharges the treated effluent to land on the WWTP site where it is disposed through percolation and evaporation. There are no existing water rights for reuse of the treated effluent. The treatment capacity of the WWTP is currently limited to approximately 1.8 million gallons per day (mgd) and capacity of the existing disposal ponds is limited. Wastewater flows to the Riverbank WWTP are projected to increase up

to approximately 6 mgd at city buildout. To accommodate growth, the WWTP facilities would need to be expanded, which would require consideration of a new permit from the Central Valley Regional Water Quality Control Board (RWQCB).

Comment: the Proposed project does provide limited details to the increase of waste to the waste water treatment facility and assumes approval along the riparian area on the north side of the Stanislaus river which is in San Joaquin river.

How does the city anticipate handling this increase of waste and potential waste water on the current site? Has San Joaquin County approved any expansion? I would suggest that further study be done on the waste water from the proposed project...

How will the City of Riverbank implement and change from a secondary to a tertiary treatment facility? Does the City of Riverbank have the resources to make this change and at what cost to the residents of Riverbank?

Impact 3.9-5: The proposed Project has the potential to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan(SGMA).

Comment: With State mandated Sustainable ground water management Act(SGMA) practices this project would have significant water issues even with substantial water conservation measures. SGMA needs to be first and foremost in order to provide conservation measures for the next 100 years. The project would add potential additional wells.

Who will pay for the wells? The City? Has the proposed site analyzed the current wells for contaminants like nitrates, E-Coli, Salmonella, etc. And who will maintain these wells for drinking water?

What is the cost to the user for this water?

What are the proposed water conservation measures?

The project fails to consider rainwater catchment, Grey water use recycling for landscapes, and water

catchment from air conditioners, and elimination of lawns which use substantial water.

UTILITIES 3.14

GOAL: SAFETY

• SAFE-1. Minimize the Loss of Life and Damage to Property Natural and Human-Caused Hazards.

POLICIES: SAFETY

• SAFE-1.6. The City will not allow the development of housing in the 100- and 200-year floodplain, as determined by the Federal Emergency Management Agency. The City may permit placement of non-residential improvements within the 100- and 200-year floodplain under a very limited set of circumstances. Any development project that includes structures or disturbances of natural features within the 100-year floodplain shall prove that the proposal does not:

- o Create danger to life and property due to increased flood heights or velocities caused by excavation, fill, roads, or intended use.
- o Create difficult emergency vehicle access in times of flood.
- o Create a safety hazard due to the unexpected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- o Create excessive costs in providing governmental services during and after flood conditions, including maintenance and repair of public facilities.
- o Interfere with the existing waterflow capacity of the floodway.
- o Substantially increase erosion and/or sedimentation.
- o Contribute to the deterioration of any watercourse or the quality of water in any body of water.

• SAFE-1.7. The City will require any public facilities and critical facilities (e.g., hospitals, emergency command centers, communication facilities, fire stations, and police stations) in the 100- and 200-year flood zones to be flood-proofed to a point at or above the base flood level elevation from the Stanislaus River and be designed to mitigate potential flood risk to ensure functional operation during a flood event.

SAFE-1.13. Ensure the City is in compliance with the Central Valley Flood Protection Plan (CVFPP)

- SAFE-1.14. The City, as necessary, will participate in a Regional Flood Management Plan.
- SAFE-1.15. The City will maintain, update, and make available to the public, as appropriate, FEMA 100- and 500-year Flood Insurance Rate Maps (FIRMs) and 200-year Floodplain maps, as they become available from the Department of Water Resources (DWR).

FLOOD	DAMAGE	
	AT TIME OF FLOOD	PREVENTABLE UNDER 1978 CONDITIONS WITH PROJECT IN FULL OPERATION
January 1969	\$2,140,000	\$3,552,000
May 1967	743,000	1,384,000
December 1964	1,623,000	3,187,000
December 1955-January 1956	1,928,000	5,080,000
May 1952	250,000	701,000
November 1950	1,060,000	3,583,000
March 1940	90,000	718,000
February 1938	40,000	391,000
March 1928	150,000	2,469,000
January 1911	130,000	4,388,000
March 1907	140,000	5,247,000

The New Melones Lake project will provide protection along the lower San Joaquin River and in the Delta equal to about 150 percent of damage preventable on the Stanislaus River. The combined operation of New Melones and projects on the San Joaquin, Mokelumne, Calaveras, Tuolumne, and Merced Rivers will prevent most of the remaining flood damage along the lower San Joaquin River and in the Delta.

- SAFE-1.16. The City will use the best available flood hazard information and mapping from regional, State, and federal agencies and use this information to inform land use and public facilities investment decisions.

<https://babel.hathitrust.org/cgi/pt?id=uc1.31210022471310&seq=87>

Comment: there are numerous dams along the Stanislaus River above the project site. [Tulloch](#) (68,400 acre ft) and managed by [Oakdale & South San Joaquin Irrigation Districts](#) and New Melones(2.4 million acre feet of water) and is managed by the Bureau of Land Management.

NOTE: 1 acre foot of water is 325,000 gallons

Stanislaus flood control maximum levels of flow are around 8000 cu. ft. per second or 59,844.156 gallons of water per second. This flow would equvalate to 1 acre feet of water every 5.5 seconds... The project levee in current conditions is are not likely to withstand this flow due lack of maintenance, rodent damage and overgrowth of trees and vegetation. In addition below the dam there are areas

where unregulated creeks and streams would add to this 8000 CFS.

Comment:

Notable incidents in the last 10 years!

Oroville Spillways Incident Background

January and February 2017 were some of the wettest months on record in the 110-year history of the Feather River hydrologic record. The Feather River watershed above the Oroville reservoir received an entire year's average runoff – 4.4 million acre-feet – in 50 days during those two months. It was during this unprecedented weather system that DWR discovered damage to Oroville's main spillway on February 7, 2017, during routine visual inspections.

Over the next week and a half, DWR would manage multiple risks, from safeguarding the operations of Hyatt Powerplant to preserving powerlines towers to maintaining flood control releases, all while managing a rapidly-filling reservoir with a damaged main spillway.

As a large atmospheric river storm settled over the Feather River basin, massive inflows and higher than expected precipitation increased lake levels rapidly. For the first time in the Oroville spillways history, the lake reached 901 feet and activated the emergency spillway, an uncontrolled concrete weir that allows water poured over onto a bare hillside.

An evacuation order for the City of Oroville and multiple downstream communities along the Feather River was soon ordered by the Butte County Sheriff's Office due to concerns about downhill erosion threatening the emergency spillway structure. **The evacuation of about 188,000 people downstream.** Residents returned home a few days later after increased releases from the main spillway reduced the lake level below 901 feet.

DWR immediately mobilized a coordinated emergency response effort with local, state and federal partners, monitoring the Oroville facilities, dredging the Thermalito Diversion Pool and drafting preliminary redesigns of the Oroville spillways.

While emergency response efforts continued into the spring of 2017, DWR began a robust community engagement program to keep the public informed about the emergency response and its plans to repair and reconstruct the spillways. DWR held community meetings for impacted communities, answered hundreds of email and telephone questions and shared regular email updates to the public throughout 2017. <https://www.britannica.com/topic/Oroville-Dam>

<https://water.ca.gov/Programs/State-Water-Project/SWP-Facilities/Oroville/Oroville-Spillways/Background>

Friar dam spilling April 2024 See this link [here](#)⁶

Comment: With global warming as consideration along with el ninos, atmospheric rivers and the Oroville emergency. How would Stanislaus county, city of Riverbank and regional cities evacuate 250,000 people?

Comment: The Central Valley Flood Protection board will have to approve the levee that borders the north and west side of the project see link [here](#). At this point the project has not entered into the review of this levee. There has not been a full assessment as to the integrity of the levee. This would have to be assessed by the Army Corp of engineers and rated accordingly. Historically, this levee was constructed by the local farmers and at present would not survive a flow of 8800 cfs flows as the levee has numerous trees, rodents and no gates to regulate drainage.

EXECUTIVE SUMMARY

ES-3

COMMENTS THAT FOLLOW ARE FROM THE EXECUTIVE SUMMARY

- Discussion from the Executive Summary regarding Alternatives

ALTERNATIVES TO THE PROPOSED PROJECT

The CEQA Guidelines require an EIR to describe a reasonable range of alternatives to the Project or to the location of the Project which would reduce or avoid any of the significant impacts of the Project, and which could feasibly accomplish most of the basic objectives of the proposed Project. Three alternatives to the proposed Project were developed based on input from City staff, and the technical analysis performed to identify the environmental effects of the proposed Project. The alternatives analyzed in this EIR include the following three alternatives in addition to the proposed Project.

- **No Project (No Build) Alternative:** Under this alternative, development of the Plan Area would not occur, and the Plan Area would remain in its current existing condition.
- **Increased Density Alternative:** Under this alternative, the proposed Project would be developed with the same amenities as described in the Project Description, but the density of the residential uses would be increased, and the total development footprint would be equal to the proposed Specific Plan.
- **Lower Density Alternative:** Under this alternative, the proposed Project would be developed in such a way to promote larger lot sizes and to reduce the overall footprint of the developed areas.
- **No Reserve Alternative:** Under this alternative, the proposed Project would be developed with the same amenities as described in the Project Description, but the Reserve Area located outside the Specific Plan Area would be removed from the Project Area.

Comments: These alternatives while informative does not consider additional alternatives. Additional alternatives should be considered and detailed out via the EIR format. Various groups, parties of interest are outlined below:

1. An Agricultural conservation area
 - a. <https://www.fsa.usda.gov/programs-and-services/conservation-programs/index>
 - b. <https://www.conservation.ca.gov/dlrp/grant-programs/SALCP>
 - c. <https://www.conservation.ca.gov/dlrp/grant-programs/SALCP/Pages/Project-Highlights.aspx>
 - d. <https://www.stancounty.com/planning/agenda/2007/12-20-07/Farmland%20Working%20Group%20Flyer.pdf>
 - e. www.farmlandworkinggroup.org
 - f. <https://www.farmlandworkinggroup.org/in-the-news>
 - g. <https://farmland.org/>
 - h. <https://valleyfarmland.org/>
 - i. <https://stanfarmbureau.org/>
2. Riparian conservation area
 - a. <https://web.ca.gov/Programs/Riparian>
 - b. <https://give.ucdavis.edu/NRSD/123638>

- c. <https://www.grants.ca.gov/grants/riparian-habitat-conservation/>
- 3. Recreational area preserves
 - a. https://www.parks.ca.gov/?page_id=30068
 - b. Jacob Myers park
 - c. <https://web2.myyscloud.com/vbwsc/CAStanislausCtywt.wsc/splash.html>

Transportation comments:

Bicycle Facilities. The project does not interfere with use of the existing paved shoulders on McHenry Avenue and Patterson Road by bicyclists. The project submittal indicates that the project proposes to widen Patterson Road in a manner that would provide eight-foot wide shoulders per Caltrans standards. The project does not interfere with implementation of a planned bicycle facility. Some project residents may elect to ride bicycles within the project and outside of the project for recreation, to retail destinations, entertainment, employment and schools, and the amount of project bicycle travel has been considered. In communities with much more developed bicycle facilities 5% of the residentially generated person trips could be made by bicycle. At that very conservative rate 60 to 80 daily bicycle trips could be made by this project. This level of use would not result in a significant increase in bicyclists on a facility that does not have adequate bicycle facilities, such that conflicts between bicyclists and other travel modes are likely to increase.

Conclusion. The project's impact to Bicycle Facilities is not significant.

Comment:

1. Under this section on bicycle access along Patterson Road between the city of Riverbank and McHenry ave. I personally have ridden over 600 miles around Riverbank and along the main roads. Car travel speeds range between 45 MPH , 55 MPH and higher along Patterson Road. This is 'extremely' dangerous for bicycle passage and in several sections of the road as evidenced by the pictures below show the narrowing of side shoulders which places bicyclists in dangerous conditions and noted that a sign says 'Share the Road' for bicyclists.
2. Since 2019 thru 2023 there have been 18 bicyclists killed in Stanislaus County... I do not want to be part of that statistic see link [here](#)⁷

The mitigation here is for proposed project states that as 'not significant'.

However if bicyclists and related electric machines enter the main roads to travel to the local grocery store, cross roads, Costco, home depot then the bicyclists would have to travel main roads... I strongly urge the City of Riverbank, Cal Trans and Stanislaus county to reach a conclusion and strongly urge **Class 4 Separated Bike Lanes: Bikes lanes with physical separation between cyclists and other vehicles. This is justified due to the high Volume of vehicle traffic that will occur with the proposed project.** See picture below that was installed at Modesto Junior College



Note the Narrow bike lane and going west



The bike lane is just 24 inches and narrow as you approach the MLC round



24" wide narrow to west side 12' across



Neighborhood Electric Vehicles. The Specific Plan includes a plan to develop a Neighborhood Electric Vehicle (NEV) system for the active adult villages and village center. The NEV system would require an ordinance approval and would be restricted to the Specific Plan Area.

Comment: Does this project include access along the Patterson/ Mchenry roads? And access corridors to Coffee road, Cross Roads etc.? The proposed project has no site retail proposed that supply food, groceries. The occupants would have to travel 2 miles or more to access retail establishments.

Analysis / Conclusions of the proposed project.

Because the City of Riverbank and Stanislaus County have not adopted significance criteria for evaluating VMT impacts, the project’s impacts must be judged against the criteria contained in the OPR directive. Those criteria require 1) a 15% reduction from comparable baseline VMT within for the region or jurisdiction, and in case of non-residential uses no net increase in regional VMT. Based on the criteria, the following findings can be made:

Impact T-1 With regards to ***residential development***, because no relatable forecasts for the City of Riverbank or Stanislaus County are available, it is not possible to determine whether the project’s residences will generate VMT per capita rate that is 15% below the current area average, as required under the OPR directive. ***Thus, it must be presumed that the VMT impact of the project residences is significant.***

Comment: *the proposed project will not likely attain this as evidenced by the number of houses and related neighborhoods proposed. 2200 new homes creates significant vehicular traffic even with a 15% reduction...*

Impact T-2 With regards to ***non-residential uses***, the net increase in regional VMT caused by the project’s non-residential uses is the difference between the overall difference in total regional

VMT (195,160 VMT) and the VMT caused by residential uses (74,640 VMT) is 120,520 VMT. ***Because this increase exceeds the OPR directive's threshold of no net increase in regional VMT, the impact of the project's non-residential uses on regional VMT is also significant.***

Comment: The VMT for commuter traffic, Amazon, UPS, Fedex, USPS, and special services will greatly impact the proposed project. One possible mitigation is the North County Corridor(NCC)which would deflect the VMT during peak but this is difficult to measure and forecast as it is not scheduled for completion until 2035.

Mitigation Options. The extent to which the project's VMT impacts can be reduced through mitigation have been considered based on the circumstances of the project. The project design already reflects many features that help reduce VMT, such as:

- ***Incorporate neighborhood electric vehicle network***
- ***Orient project towards transit, bicycle, and pedestrian facilities***
- ***Provide on-site goods and services***

Other measures that could be pursued include but are not limited to:

- ***Improve Access to Transit.*** Currently StaRT Route 60 passes through the Oakdale Road / Patterson Road intersection. A privately funded shuttle service could link the project with the current StaRT stop. Max Route 35 passes the project area on McHenry Avenue, and a privately funded shuttle could link the project with a potential stop at the Coffee Road / McHenry Avenue intersection.
- ***Increase Transit Frequency.*** The project could subsidize upgrades to StaRT / MAX service.
- ***Provide Transit Passes.*** The project could subsidize transit passes.
- ***Increase Access to Goods and Services.*** A private shuttle service could link the project with key destinations in Riverbank and Modesto.
- ***Install Park - and - Ride Lots.*** A portion of the parking supply in mixed use areas could be designated for park-and-ride.
- ***Increase Pedestrian / Bicycle Connectivity.*** Existing and planned off-site bicycle and pedestrian facilities could be upgraded and gaps in existing systems could be eliminated.

Comment: the proposed mitigation are reflective of communities which tried to implement these ideas.... People will choose to use their personal vehicles in all circumstances... Just look at the number of 4X4 trucks, SUV's, Suburbans and other large vehicles... you have to change the mind set and culture and charge \$10.00 dollars per gallon for Gas and provide the infrastructure to charge the electric vehicles like Teslas, Ford 150 electric trucks, etc

The North County Corridor (NCC) is a project that is included for funding in the PFF program.

However, the PFF is only one source of funds that would be needed to complete the NCC, as

federal and state funds are also needed. See this link [here](#) for more information on the NCC.

Comment: The NCC will effect the traffic flow thru and around the proposed project. What is the reason for not a further discussion on the impact of the NCC?

References and related documents

1. Letter from UC Davis, Bohart Museum source:
<https://ecos.fws.gov/ecp/species/7850>

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DEPARTMENT OF ENTOMOLOGY & NEMATOLOGY
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TELEPHONE: (530) 752-0000
<http://bohart.ucdavis.edu>, <http://deltion.ucdavis.edu>

March 14, 2024

To Whom it May Concern,

I was asked to examine elderberry shrubs along the Riverwalk, near McHenry and Hwy 108, Stanislaus Co. for the presence of the Valley Elderberry Longhorn Beetle (VELB), *Desmocerus californicus dimorphus*. The elderberry was probably *Sambucus mexicana*. After examining about twenty of these shrubs I found exit holes in dried stems of about five of them. The holes matched the size, shape and position of exit holes created by emerging VELB that I found in previous surveys in the Central Valley.

However, to confirm the identification I examined the literature for insects, particularly stem borers, found in this region on elderberry. The only recorded stem borer of any size found in California was VELB.

It is unlikely that these holes were made by birds unless there were insect larvae inside to feed on. Woodpeckers and sapsuckers found in the same site would not feed in these stems for sap but only for insect larvae, and the only insect larvae likely to be found in elderberry stems would be VELB.

Sincerely,

Lynn S. Kimsey
Distinguished Professor of Entomology



Exit holes
found in the
elderberry
stems.

2. <https://wildlife.ca.gov/HWC/Foxes>
3. <https://www.stanislausbirds.org/birding-sites---stanislaus/string-of-pearls-parks>
4. <https://www.federalregister.gov/documents/2020/06/11/2020-12657/stanislaus-regional-water-authority-water-supply-project-stanislaus-county-california-draft>
5. **Source: Riverbank history museum**
6. <https://video.search.yahoo.com/yhs/search?fr=yhs-iba-3&ei=UTF-8&hsimp=yhs-3&hspart=iba&p=friant+dam+spilling+over&type=teff 10019 FFW ZZ#id=1&vid=b9397aee2d6caf7941b1bcf436935173&action=click>
7. <https://catsip.berkeley.edu/resources/crash-data/pedestrian-and-bicycle-crash-data-county>
8. <https://www.stanislauslafco.org/PDF/MSR/Riverbank.pdf>

Reference List

2024

River walk project

City of Riverbank: <https://riverbankorg/609/River-Walk-Project>

LAFCO: <https://www.stanislauslafco.org/>

Riverbank Historical Museum

<https://oakdalemuseum.org/>

Museum

3237 Santa Fe St · (209) 869-7161

Biological resources

California Wildlife Habitat Relationships System:

<https://nrmdfgcagov/FileHandlerashx?DocumentID=2566&inline>

<https://ecosfwsgov/ecp/species/7850>

Birds: <https://www.stanislausbirds.org/birding-sites---stanislaus>

Endangered species: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109390&inline>

Fish and Game: <https://nrm.dfg.ca.gov/>

Wild Life: <https://wildlife.ca.gov/Conservation/Mammals/Beaver>

<https://www.sierrawildlife.org/prevent-flooding>

Bohart museum: <https://bohart.ucdavis.edu/>

Federal register: <https://www.federalregister.gov/documents/2020/06/11/2020-12657/stanislaus-regional-water-authority-water-supply-project-stanislaus-county-california-draft>

Water

<https://www.mid.org/water/default.jsp#rights>

<https://casoilresource.lawr.ucdavis.edu/sagbi/>

<https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management>

Flood control:

<https://cvfpbcagov/wp-content/uploads/2022/11/2021-Annual-Reportpdf>

https://watercagov/-/media/DWR-Website/Web-Pages/Programs/Flood-Management/Flood-Planning-and-Studies/CVFPP-Conservation-Strategy/Files/2022-CS-Update-and-Appendices/CS_Final_Nov2022pdf

<https://www.usgs.gov/centers/california-water-science-center/californias-history-large-storms-floods>

Flooding:

<https://www.usgs.gov/publications/emergency-assessment-post-fire-debris-flow-hazards-2013-rim-fire-stanislaus-national>

Flood Reports:

<https://pubs.usgs.gov/of/2013/1260/pdf/of2013-1260pdf>

New Melones: <https://babel.hathitrust.org/cgi/pt?id=uc1.31210022471310&seq=1>

New Melones: <https://babel.hathitrust.org/cgi/pt?id=uc1.31210022471310&seq=4>

<https://map1.msc.fema.gov/data/06/S/PDF/060391V000A.pdf?LOC=cffeeb5611325338f9bdc03b7e89a100>

<https://pubs.usgs.gov/of/1998/0626/report.pdf>

Levees: <https://www.law.cornell.edu/regulations/california/23-CCR-120>

Rivers: https://cdec.water.ca.gov/stage_maps/

SGMA: <https://sgma.water.ca.gov/webgis/?appid=SGMADataViewer#gwstorage>

Water: <https://thevalleycitizen.com/did-conagra-wastewater-pollute-the-stanislaus-river/>

Waste Water:

<https://riverbankorg/162/Sewer-Division>

<https://www.riverbankorg/169/Wastewater-Treatment-Division>

https://www.riverbankorg/DocumentCenter/View/3376/Riverbank-RRWP-ISMND_WEB?bidId=

South Africa water policy

<https://www.dws.gov.za/Projects/National%20State%20of%20Water%20Report/Documents/1-National%20State%20of%20Water%20Report%202021.pdf>

News articles

IN THE NEWS

Newspaper Articles

- The Modesto Bee, February 25, 2024, "2,400-plus housing development that would expand Riverbank to undergo public briefing"
- The Patterson Irrigator, March 2, 2024, "City decides to 'pause' moving forward on Zacharias/Baldwin development plan"
- The Modesto Bee, March 5, 2024, "Vote on 5,000-home annexation in Patterson is creates a stir Will election be held in April?"
- The Modesto Bee, March 5, 2024, "Vote on massive 5,000-home annexation in Stanislaus County will be held in April"
- Riverbank News, March 6, 2024, "Massive development proposed northwest of city's downtown"
- The Patterson Irrigator, March 8, 2024, "City reverses vote on development project election"
- Patterson Irrigator: https://www.townmediacom/gallery/city-decides-to-pause-moving-forward-on-zacharias-baldwin-development-plan/article_2c63629a-d8f5-11ee-b3ba-63e2f5891709.html

Alternatives

<https://www.conservation.ca.gov/dlrp/rcd>

10. Planning: <https://www.stancounty.com/planning/pl/gp/current/gp-introduction.pdf>
11. <https://www.conservation.ca.gov/dlrp/grant-programs/SALCP/Pages/Project-Highlights.aspx>

Fees

<https://www.riverbank.org/DocumentCenter/View/3448/FY-2021-22-AB-1600-Report>

Prime Ag Land:

<https://www.conservation.ca.gov/dlrp/fmmp/Documents/Farmland%20Mapping%20and%20Monitoring%20Program%20Ag%20Removal%20protocol.pdf>

<https://www.stanag.org/pdf/cropreport/cropreportplus2018.pdf>

Maps

<https://ngmdb.usgs.gov/topoview/viewer/#13/377263/-1209415>

Earth view: <https://earthview360.org/>

Housing

<https://www.stancounty.com/planning/pl/pdf/draft-2023-2031-housing-element.pdf>

Flood Protection

[file:///C:/Users/garrypearhome/Downloads/20240308%20River%20Walk%20SP%20EIR Board%20Comments 2021060098.pdf](file:///C:/Users/garrypearhome/Downloads/20240308%20River%20Walk%20SP%20EIR%20Board%20Comments%2021060098.pdf)

Traffic

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Sincerely,

A handwritten signature in blue ink that reads "Lynn S. Kimsey".

Lynn S. Kimsey
Distinguished Professor of Entomology



Exit holes
found in the
elderberry
stems.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: July 10, 2001

No. 2001-536

On motion of Supervisor Caruso, Seconded by Supervisor Simon,
and approved by the following vote,
Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

D-4

THE FOLLOWING RESOLUTION WAS ADOPTED:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
SUPPORTING GRANT FUNDS FROM THE CALIFORNIA FARMLAND CONSERVANCY
PROGRAM FOR A CONSERVATION EASEMENT TO THE WENDT FARM**

WHEREAS, the Legislature has established the California Farmland Conservancy Program within the Department of Conservation, and through a grant program is providing assistance to conserve important agricultural land resources that are subject to conversion pressures; and,

WHEREAS, Stanislaus Farmland Trust proposes to acquire agricultural conservation easements from willing sellers on the west side of Riverbank between Patterson Road and the Stanislaus River east of McHenry Road.

WHEREAS, John Hancock Mutual Life Insurance Company intends to sell agricultural conservation easements on 763.90 acre of farmland known as the Wendt Farm for the purpose of conserving priority agricultural land resources in perpetuity. The Assessor's Parcel Numbers of this property is: 074-02-01 and 074-03-01.

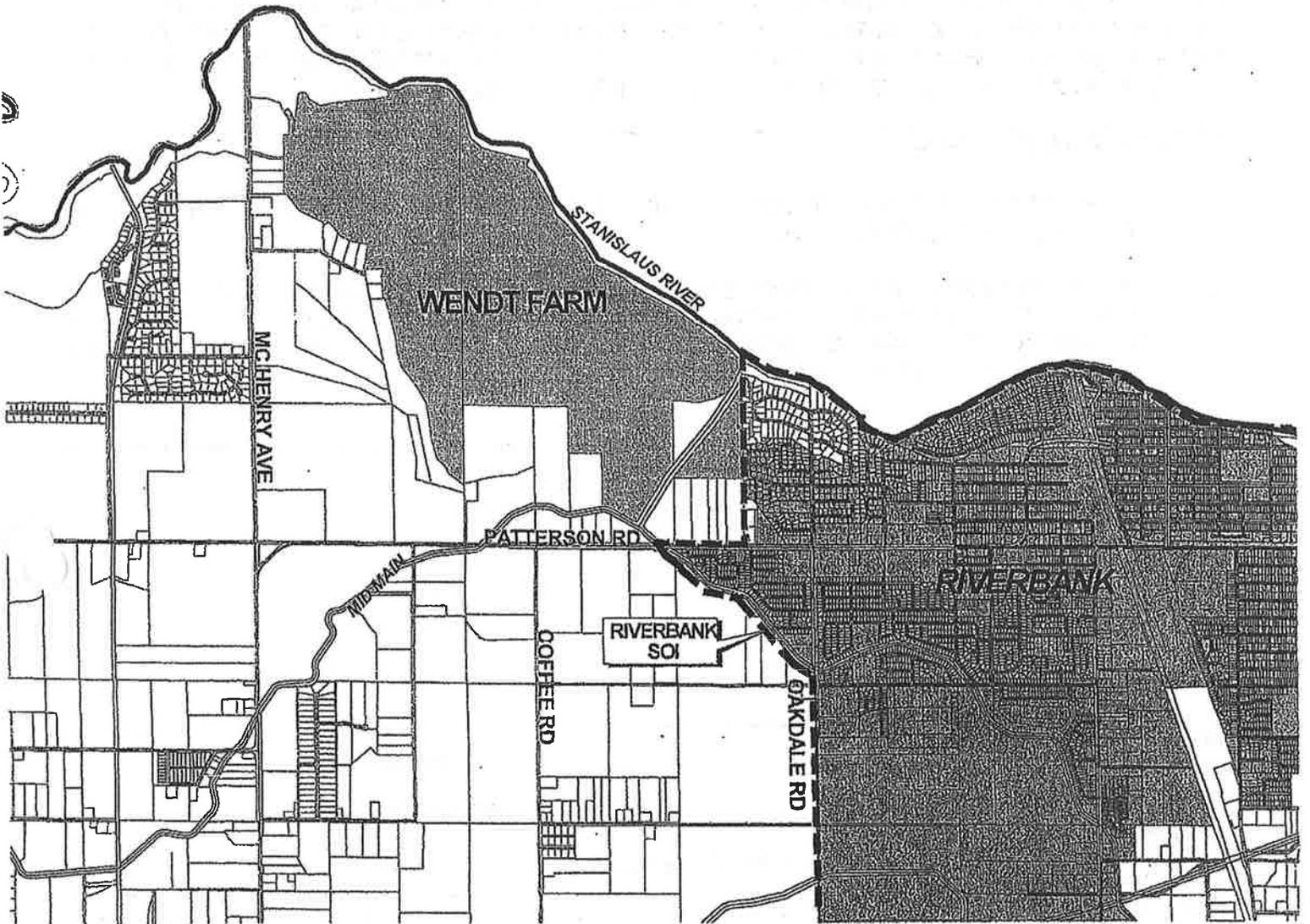
WHEREAS, the Board of Supervisors finds that the properties to be placed under easement meet the eligibility criteria set forth in Public Resources Code Section 10251 (except for Section 10251.c), to wit:

- (a) The parcels proposed for conservation are expected to continue to be used for, and are large enough to sustain, commercial agricultural production. The land is also in an area that possesses the necessary market, infrastructure, and agricultural support services, and surrounding parcel sizes and land uses will support long-term commercial agricultural production.
- (b) The County of Stanislaus has a general plan that demonstrates a long-term commitment to agricultural land conservation. This commitment reflected in goals, objectives, policies, and implementation measures of the plan identified in Agricultural Element of said General Plan.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California,

Christine Ferraro
By: Deputy

File No.



SUBJECT: ADOPTION OF A POLICY STATEMENT FOR THE GREAT VALLEY CENTER'S AGRICULTURAL LANDS TRANSACTION PROGRAM AND THE ADOPTION OF A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF CONSERVATION'S CALIFORNIA FARMLAND CONSERVANCY PROGRAM FOR THE "WENDT FARM".

PAGE 3

**DISCUSSION
CONTINUED:**

It needs to be stated that conservation easement programs are voluntary. Additionally, the easements provide a framework for ensuring that agricultural land conservation efforts over time will provide for sustainable agriculture and allow for continued urban and economic development in Stanislaus County and its nine cities.

**POLICY
ISSUES:**

The voluntary sale and acquisition of an agricultural lands easement as discussed in this report is consistent with the goals and policies contained in the General Plan.

**STAFFING
IMPACT:**

There will be no staff impact as the easement will be maintained by the Stanislaus Farmland Trust.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: July 10, 2001

No. 2001-536

On motion of Supervisor Caruso, Seconded by Supervisor Simon,
and approved by the following vote,
Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None D-4

THE FOLLOWING RESOLUTION WAS ADOPTED:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
SUPPORTING GRANT FUNDS FROM THE CALIFORNIA FARMLAND CONSERVANCY
PROGRAM FOR A CONSERVATION EASEMENT TO THE WENDT FARM**

WHEREAS, the Legislature has established the California Farmland Conservancy Program within the Department of Conservation, and through a grant program is providing assistance to conserve important agricultural land resources that are subject to conversion pressures; and,

WHEREAS, Stanislaus Farmland Trust proposes to acquire agricultural conservation easements from willing sellers on the west side of Riverbank between Patterson Road and the Stanislaus River east of McHenry Road.

WHEREAS, John Hancock Mutual Life Insurance Company intends to sell agricultural conservation easements on 763.90 acre of farmland known as the Wendt Farm for the purpose of conserving priority agricultural land resources in perpetuity. The Assessor's Parcel Numbers of this property is: 074-02-01 and 074-03-01.

WHEREAS, the Board of Supervisors finds that the properties to be placed under easement meet the eligibility criteria set forth in Public Resources Code Section 10251 (except for Section 10251.c), to wit:

- (a) The parcels proposed for conservation are expected to continue to be used for, and are large enough to sustain, commercial agricultural production. The land is also in an area that possesses the necessary market, infrastructure, and agricultural support services, and surrounding parcel sizes and land uses will support long-term commercial agricultural production.
- (b) The County of Stanislaus has a general plan that demonstrates a long-term commitment to agricultural land conservation. This commitment reflected in goals, objectives, policies, and implementation measures of the plan identified in Agricultural Element of said General Plan.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California,

Christine Ferraro
By: Deputy

File No.

Attachment 2

MAY 16 2024

May 14, 2024

City of Riverbank
Attn: Miguel Galvez, Contract City Planner
6617 Third Street
Riverbank CA 95367

RE: River Walk Specific Plan/Draft Environmental Impact Report Comments, Riverbank, CA

Mr. Galvez:

I would like to offer the following comments on the proposed River Walk Specific Plan project so that it becomes part of the permanent public record and is included in the Final Environmental Impact Report (EIR) for the referenced project. This project proposes to construct thousands of new homes, businesses, and infrastructure including parks, a walking trail around the entire perimeter, a new 4-lane road that would terminate onto McHenry Avenue, and two or three new water wells which would rely solely on groundwater to serve a 2-million gallon storage tank; nearly all of which would occur on river bottom land that is identified by the State Department of Conservation as "prime" and in sensitive riparian and wildlife habitat areas.

The Project acreage is presently in its highest and best use which could only be enhanced by a creating a conservation easement. Doing this would preserve the "Wildlife Corridor" which has existed since time began. This option was not included as a Project Alternative and should have been.

Building River Walk would have negative impacts on Riverbank's General Plan which describes Riverbank as still having, in 2025, a "small town character" and emphasizing its agriculture heritage. In the past Riverbank and Oakdale valued open space, ag and community separators, is this no longer valued? Please see enclosed City of Riverbank Resolution No. 2001-120 and General Plan Guiding Principles.

The project proposes 18 separate "Villages" with Commercial / Mixed Use areas which will encourage additional sprawl to follow. This is clearly "Segmented & Piecemeal" & fails to meet the basic CEQA requirements which prohibits "chopping a large project into many little ones" each with minimal potential impact on the environment which cumulatively may have disastrous consequences.

Other significant & unavoidable negative impacts not addressed in DEIR are:

- Aquifer depletion as well as a major loss of ground water & impacts / the possible failure of current resident's wells (the water level in my well dropped 4 feet during the McHenry road widening due to water trucks wetting the road bed daily during construction)
- Existing levee was not engineered or built to Army Corps standards & has not been maintained since construction in early 1950's. Levee integrity is unknown, it was breached in 1957 & most of the project acreage was flooded.
- There is no provision for Ag preservation and related economic loss
- Loss of wildlife migration route to San Joaquin wildlife area to the West & Sierras to the East

SKS

- Loss of Riparian habitat for Beavers, Steelhead Trout, Hawks, Foxes, Grey Squirrels. I have personally viewed all and more around this acreage over 35 years. I have seen Beavers in the Stanislaus River and found a Beaver skull on my property approximately 25 years ago.
- What wildlife living in the proposed area are endangered, i.e., Swainson Hawks, Egrets, Beavers, Bats, etc
- The impact on 2.2 miles of Stanislaus River (South side) due to human presence where almost none exists now
- Loss of "Buffer" between Riverbank and Modesto will cause/induce further development & sprawl
- Lack of addressing increase in Traffic Congestion, Emissions, Noise, & impacts on quality of life for all residents
- Was the noise and odor from the existing Munn & Perkin's aggregate operation, which is just north of the Project, addressed?
- Does not address impacts on local schools (three separate Districts) which are at capacity now (no kids)?
- No provision for adequate Law Enforcement or Fire Protection services or impacts on existing LE & FD
- No mention of impacts that solar panels on nearly 3,000 homes will impose on area birds or quality of life for existing residents
- Desecration of Cultural Resources of former Native American inhabitants who lived along the Stanislaus River (artifacts have been found through out the area)
- Many of the proposed homes in River Walk will not be affordable for Riverbank citizens and this will attract buyers from commuters who work elsewhere which will affect air quality and folks with respiratory issues.
- Project has inadequate entry & exits, three at this point, but primarily from Coffee rd. North of Patterson rd. traveling North West to Mc Henry Ave.
- What is proposed for traffic at the above intersections? Traffic lights or roundabouts?
- What are San Joaquin County's comments on the increased traffic to River Road? Were they notified of the Project?

Approval of River Walk project is like adding a new "Mini Town" to this region and the immense impacts to the surrounding areas have not been sufficiently explored. Escalon, Oakdale, Modesto, Ripon and Manteca will all be affected in some manner.

Prime farmland is disappearing quickly! Build homes on lesser soil.


Bernard Aggers
7730 McHenry Ave
Modesto, CA 95356

Enclosures: July 10, 2001, Stanislaus County Board of Supervisors Agenda Item regarding a CA Farmland Conservancy Program for the "Wendt Farm"
City of Riverbank Resolution No. 2001-120
Riverbank 2005-2025 General Plan Excerpts

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning & Community Development

BOARD AGENDA # D-4

Urgent _____ Routine X

AGENDA DATE: July 10, 2001

CEO Concurs with Recommendation YES _____ NO _____
(Information Attached)

4/5 Vote Required YES _____ NO X

SUBJECT:

ADOPTION OF A POLICY STATEMENT FOR THE GREAT VALLEY CENTER'S AGRICULTURAL LANDS TRANSACTION PROGRAM AND THE ADOPTION OF A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF CONSERVATION'S CALIFORNIA FARMLAND CONSERVANCY PROGRAM FOR THE "WENDT FARM".

STAFF RECOMMENDATION:

1. ADOPT POLICY STATEMENT FOR THE GREAT VALLEY CENTER'S AGRICULTURAL LANDS TRANSACTION PROGRAM; AND,
2. ADOPT THE RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF CONSERVATION'S CALIFORNIA FARMLAND CONSERVANCY PROGRAM BY THE STANISLAUS FARMLAND TRUST AND AMERICAN FARMLAND TRUST FOR THE "WENDT FARM".

FISCAL IMPACT:

There will be no fiscal impact to the County.

BOARD ACTION AS FOLLOWS:

No. 2001-536

On motion of Supervisor Caruso, Seconded by Supervisor Simon
and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended

Motion:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

Christine Ferraro
By: Deputy

File No.

SUBJECT: ADOPTION OF A POLICY STATEMENT FOR THE GREAT VALLEY CENTER'S AGRICULTURAL LANDS TRANSACTION PROGRAM AND THE ADOPTION OF A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF CONSERVATION'S CALIFORNIA FARMLAND CONSERVANCY PROGRAM FOR THE "WENDT FARM".

PAGE 2

DISCUSSION: The Stanislaus Farmland Trust was formed in June 2000. The Stanislaus Trust is a local non-profit formed for the purpose of advancing educational information and policies regarding agricultural land. The trust has the ability to purchase agricultural lands and easements that will result in the protection of significant agricultural parcels. Shortly after the formation of the Stanislaus Farmland Trust, we submitted an application to the Great Valley Center under their Agricultural Transaction Program. Stanislaus County was one of three counties (Yolo and Merced Counties were the others) selected for funding of projects. As the Board may recall, 5 million dollars is to be shared (not necessarily equally) between the three counties for the purposes of conserving agricultural lands.

The President of the Stanislaus Farmland Trust and staff of the American Farmland Trust have been approached by and working with a landowner to secure an agricultural land conservation easement on a 764 acre parcel. The subject site consists of two Assessor's parcels - 74-02-01 (299.4 ac.) and 74-03-01 (464.5 ac.). In order to implement the Agricultural Transaction Program and enable the Stanislaus Farmland Trust to acquire the easement on the subject site, the Board of Supervisors needs to adopt a policy regarding selection of lands for conservation easements. In addition, the Board will need to approve a resolution approving an application for grant funds to the California Department of Conservation's Farmland Conservancy Program by the American Farmland Trust and Stanislaus Farmland Trust. The approval of the policy and resolution will enable the Stanislaus Farmland Trust to access funds from the Great Valley Center Agricultural Transaction Program and the Farmland Conservancy Program.

The Policy Statement which is attached (Attachment 1) sets forth the policies and criteria for focusing transactions to protect farmland in Stanislaus County. The criteria are based on policies already contained in the Stanislaus County General Plan, including the Agriculture Element and "Vision Statement" adopted by the cities and County. These documents provide the framework for establishing policies for transactions that will ensure a healthy and viable agricultural industry in the County. In addition, the policy will ensure that easement transactions will be eligible for funding from the California Farmland Conservancy Program and Great Valley Center's Agricultural Transaction Program.

The criteria in the policy cover four (4) general areas which are: 1) agricultural land conservation efforts must be on the best soils..."prime farmland" or "farmland of statewide importance"; 2) eligible property must be close to urban boundaries and subject to urbanization pressure, but not substantially surrounded by urban development and not within the urban boundary of any incorporated city; 3) the properties must be large enough to sustain commercial agricultural production; and, 4) the property has access to water resources. The attached policy statement (Attachment 1) further describes each of the general criteria.

SUBJECT: ADOPTION OF A POLICY STATEMENT FOR THE GREAT VALLEY CENTER'S AGRICULTURAL LANDS TRANSACTION PROGRAM AND THE ADOPTION OF A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF CONSERVATION'S CALIFORNIA FARMLAND CONSERVANCY PROGRAM FOR THE "WENDT FARM".

PAGE 3

**DISCUSSION
CONTINUED:**

It needs to be stated that conservation easement programs are voluntary. Additionally, the easements provide a framework for ensuring that agricultural land conservation efforts over time will provide for sustainable agriculture and allow for continued urban and economic development in Stanislaus County and its nine cities.

**POLICY
ISSUES:**

The voluntary sale and acquisition of an agricultural lands easement as discussed in this report is consistent with the goals and policies contained in the General Plan.

**STAFFING
IMPACT:**

There will be no staff impact as the easement will be maintained by the Stanislaus Farmland Trust.

POLICY REGARDING AGRICULTURAL LANDS TRANSACTIONS

This policy statement sets forth the policies and criteria within Stanislaus County for focusing transactions to protect farmland in Stanislaus County. In 1992, the Stanislaus County Board of Supervisors adopted a General Plan Agricultural Element ("Agricultural Element"), and in 1999 adopted the "Cities/County Vision" ("Vision Statement") in collaboration with the nine cities within Stanislaus County. These documents provide Stanislaus County's policy framework for establishing the criteria for areas to target for transactions that will ensure a healthy and viable agricultural industry in the County. This policy will ensure that easement transactions will be eligible for funding from the California Farmland Conservancy Program ("CFCP") and from the Great Valley Center's Agricultural Transaction Program ("ATP").

GENERAL CRITERIA

A. Ag Land Conservation Efforts Must be on the Best Soils --- Prime Farmland or Farmland of Statewide Importance.

The Agricultural Element provides that:

1. "New development should be directed away from our most productive agricultural areas and guided instead to less productive farmlands and grazing lands, which generally are located on the western and eastern sides of the County"; and,
2. "Remote development in less productive agricultural areas offers a better alternative to the unlimited expansion of established cities and towns into our most productive agricultural areas."

Consistent with these directives, the Stanislaus Farmland Trust's first criterion for conservation easement projects is to give the highest priority to soils that are either "prime farmland" or "farmland of statewide significance" on the Valley floor. These are the top two soil classifications under the California Department of Conservation ("DOC") Farmland Mapping and Monitoring Program.

B. Eligible Property Must be Close to Urban Boundaries and Subject to Urbanization Pressure, But Not Substantially Surrounded by Urban Development and Not Within the Urban Boundary of Any Incorporated City.

The ATP program requires matching funds from other sources, which will include grants from the California Department of Conservation's California Farmland Conservancy Program ("CFCP"). The CFCP requires that the property is likely to be converted to non-agricultural use in the foreseeable future.

Moreover, the Vision Statement includes the following vision and actions that call for urban limit lines near existing urban boundaries, and infilling within existing urban areas:

"Vision: We will demonstrate our resolve to produce a world class example of "DOING IT RIGHT" so that Stanislaus County remains blessed with a bounty of fertile land for agriculture. Population growth will be accommodated in communities of varying sizes ranging from larger metropolitan areas to mid-sized cities, to small rural towns and enclaves. Communities will plan, grow and evolve in a compact, efficient fashion. Large expanses of agricultural land and other open space will secure buffers between urban areas and preserve the beauty of views and vistas throughout the County.

"Actions: The cities and County of Stanislaus will adopt general plans, policies and agreements that will achieve the following:

1. More compact and clearly defined urban boundaries that avoid unnecessary conversion of farmlands.
2. Protection of farmland outside the urban boundaries.
3. Expansion of city limits to include urbanized unincorporated areas that are substantially surrounded by a city.
4. Compact urban development which encourages redevelopment of blighted areas, "in fill" development of vacant and underutilized land, and a variety of affordable housing.
5. Urban limit lines, providing for areas of open space, agriculture, very low density, rural development, or green belts in which urban development cannot occur.

Pursuant to the CFCP and the Vision Statement, the properties eligible for the ATP should be close to existing urban areas but not substantially surrounded by existing urban development.

C. The Properties Must be Large Enough to Sustain Commercial Agricultural Production.

The CFCP requires that the properties be large enough to sustain commercial agricultural production. The required property size must be determined on a case by case basis, taking into account: (1) the quality of soil of the property (a smaller property with highly productive soil might merit more protection than a larger property with less productive soils); (2) the prospect of combining several parcels to achieve a critical mass of protected land, thereby avoiding isolated islands of protected lands (such protected islands would be inconsistent with the Vision Statement's mandate for urbanization of lands surrounded by a city); and (3) the strategic value of placing an easement on the property because of its location (the easement is likely to direct urban sprawl into less productive areas).

D. The Property Has Access to Water Resources.

Conservation easements would protect the land in perpetuity. Therefore, the property must have access to high quality and economical water resources that would ensure its continued agricultural productivity. Properties within irrigation districts with excellent water rights and high quality and inexpensive water would satisfy this criterion.

Conservation easements are voluntary transactions. This policy guideline provides a framework for ensuring that land conservation efforts over time will provide for sustainable agriculture and allow for continuing urban growth and economic development in Stanislaus County and its nine cities.

I:\BRENDA\FREITAS\ATP Application\policy ag land transaction.wpd

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: July 10, 2001

No. 2001-536

On motion of Supervisor Caruso, Seconded by Supervisor Simon,
and approved by the following vote,
Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None D-4

THE FOLLOWING RESOLUTION WAS ADOPTED:

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
SUPPORTING GRANT FUNDS FROM THE CALIFORNIA FARMLAND CONSERVANCY
PROGRAM FOR A CONSERVATION EASEMENT TO THE WENDT FARM**

WHEREAS, the Legislature has established the California Farmland Conservancy Program within the Department of Conservation, and through a grant program is providing assistance to conserve important agricultural land resources that are subject to conversion pressures; and,

WHEREAS, Stanislaus Farmland Trust proposes to acquire agricultural conservation easements from willing sellers on the west side of Riverbank between Patterson Road and the Stanislaus River east of McHenry Road.

WHEREAS, John Hancock Mutual Life Insurance Company intends to sell agricultural conservation easements on 763.90 acre of farmland known as the Wendt Farm for the purpose of conserving priority agricultural land resources in perpetuity. The Assessor's Parcel Numbers of this property is: 074-02-01 and 074-03-01.

WHEREAS, the Board of Supervisors finds that the properties to be placed under easement meet the eligibility criteria set forth in Public Resources Code Section 10251 (except for Section 10251.c), to wit:

- (a) The parcels proposed for conservation are expected to continue to be used for, and are large enough to sustain, commercial agricultural production. The land is also in an area that possesses the necessary market, infrastructure, and agricultural support services, and surrounding parcel sizes and land uses will support long-term commercial agricultural production.
- (b) The County of Stanislaus has a general plan that demonstrates a long-term commitment to agricultural land conservation. This commitment reflected in goals, objectives, policies, and implementation measures of the plan identified in Agricultural Element of said General Plan.

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California,

Christine Ferraro
By: Deputy

File No.

Attachment 2

- (c) The grant proposal is consistent with the County of Stanislaus General Plan, and the governing body of the County of Stanislaus by this resolution, approves the grant proposal.
- (d) Without conservation, the land proposed for protection is likely to be converted to nonagricultural use in the foreseeable future.

NOW, THEREFORE, BE IT RESOLVED, that the Stanislaus County Board of Supervisors hereby:

1. Approves the purchase of an agricultural conservation easement on the Wendt Farm by the Stanislaus Farmland Trust with funding from the California Department of Conservation, California Farmland Security Program.

I:\BRENDA\FREITAS\ATP Application\resolution wendt farm.wpd

City of Riverbank

Resolution No 2001-120

A Resolution of the City Council of the City of Riverbank Designating the Area Between the Western Boundary of the Oakdale Sphere of Influence (Crane Road) and the Eastern Boundary of the Riverbank Sphere of Influence (Eleanor, Mesa, and Snedigar Roads) Bound on the North by the Stanislaus River and the Burlington Northern Santa Fe Tracks on the South That Run Between Riverbank and Oakdale as a Community Separator.

Whereas, The Cities of Riverbank and Oakdale desire to maintain their own identity and image; and

Whereas, As one method to accomplish this goal is to establish a buffer zone or community separator between the two Cities; and

Whereas, Each City commits to not extending their Sphere of Influence for ten (10) years in the area hereto shown in Exhibit A; and

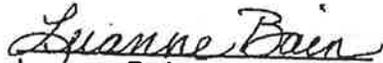
Whereas, At this time the two Cities will revisit this agreement with the desire to extend the length of this designation.

Now, Therefore, Be It Resolved that the City Council of the City of Riverbank does hereby, in concert, with the City of Oakdale, County of Stanislaus, and the Countywide Visioning Process, support and subscribe to a community separator between Riverbank and Oakdale.

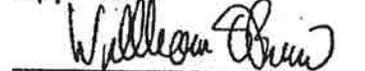
Passed and adopted this 13th day of August 2001 by the following roll call vote:

Ayes: Councilmembers Lineberger, McGinnis, and Mayor O'Brien.
Noes: Councilmember White.
Absent: Councilmember Gutierrez.

Attest:


Luanne Bain
Deputy City Clerk

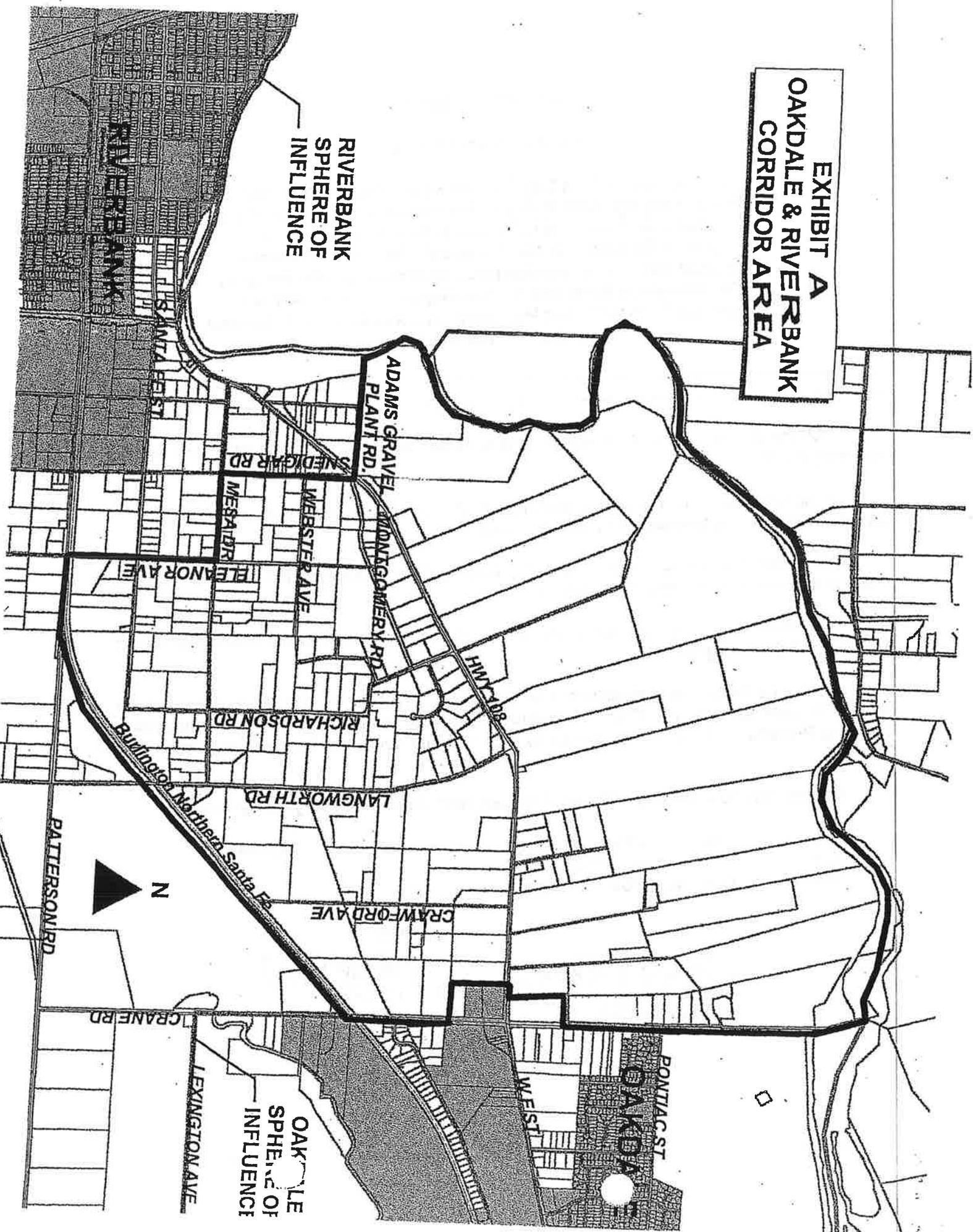
Approved:


William O'Brien
Mayor

**EXHIBIT A
OAKDALE & RIVERBANK
CORRIDOR AREA**

RIVERBANK
SPHERE OF
INFLUENCE

OAKDALE
SPHERE OF
INFLUENCE



RESOLUTION NO. 2001-85

A RESOLUTION OF THE OAKDALE CITY COUNCIL
APPROVING THE OAKDALE AND RIVERBANK
CORRIDOR AREA AGREEMENT

- 1
2
3
4
5 WHEREAS, communities are desirous of developing and maintaining their individual
6 identity; and
7 WHEREAS, the cities of Oakdale and Riverbank have adopted general plans which
8 contain specific goals and policies to strengthen and maintain their
9 identities by maintaining a separation between themselves; and
10 WHEREAS, the cities of Oakdale and Riverbank and Stanislaus County have adopted
11 the countywide "Visioning Project 2000" which calls for clearly defined
12 boundaries between cities; and
13 WHEREAS, the Stanislaus Local Agency Formation Commission has designated
14 Spheres of Influence which are based on the cities' general plans and
15 maintains an important separation between the cities; and
16 WHEREAS, the Stanislaus Local Agency Formation Commission under law must "give
17 great weight" to agreements reached between cities and counties; and
18 WHEREAS, the Highway 108 Corridor Area (Exhibit A) has been identified by the
19 cities as an area that exhibits characteristics worthy of maintaining their
20 individual identity and character; and
21 WHEREAS, the north side of Highway 108 is zoned General Agriculture with a forty
22 (40) acre minimum parcel size and those parcels support viable
23 agricultural operations and an overwhelming majority of those parcels are
24 enrolled in the California Land Conservation Act of 1965 (Williamson
25 Act); and
26 WHEREAS, the Stanislaus County General Plan including the Agriculture Element,
27 encourages the long-term conservation of viable agricultural operations
28 and the protection of these lands from urban encroachment; and
29 WHEREAS, the south side of Highway 108 is zoned General Agriculture with ten (10)
30 and three (3) acre minimum parcel sizes and those parcels support some
31 viable agricultural operations and maintain rural residential usage and
32 character; and
33 WHEREAS, the Stanislaus County General Plan and Board of Supervisors policy is to
34 encourage multi-jurisdictional cooperation regarding land use issues; and
35 WHEREAS, the Board of Supervisors and City Councils are in agreement the
36 preservation of the character of this valuable corridor area is essential to
37 maintaining the economic and general welfare of the city and county
38 residents.
39 NOW, THEREFORE, BE IT RESOLVED, that the county agrees: 1) to continue to
40 maintain the agriculture designation of the Land Use Element of the General Plan and the
41 present zoning designation of A-2-3, A-2-10 and A-2-40 general agriculture in the
42 Highway 108 corridor area as shown on Exhibit A attached hereto; and 2) to only allow
43 those uses which are allowed in the A-2 general agriculture zone district; and

Bush, Ackley, Milich & Hallinan
Attorneys at Law
366 West "F" Street
Oakdale, CA 95361

BE IT FURTHER RESOLVED that the cities of Oakdale and Riverbank agree to not request the Stanislaus Local Agency Formation Commission to expand their respective Sphere of Influence beyond its current location of the date of adoption of the resolution adjacent to the Highway 108 corridor area; and

BE IT FURTHER RESOLVED, that the county and cities of Oakdale and Riverbank support and encourage property owners with property classified as agriculture located in the corridor area to take full advantage of all nonregulatory programs, e.g., agricultural conservation easements, Williamson Act, etc., that offer financial incentives to conserve farmland and keep in production; and

BE IT FURTHER RESOLVED that the cities and the county with involvement of the Stanislaus Council of Governments (StanCOG) and the California department of Transportation investigate several options for non-motorized trails and consider the establishment of a non-motorized trails between Riverbank and Oakdale; and

BE IT FURTHER RESOLVED that the cities and county shall encourage the California Department of Transportation to recognize and establish a scenic corridor designation for the area; and

BE IT FURTHER RESOLVED the terms of this resolution shall be in effect for a period of ten (10) years from the date of its adoption. In the absence of a written request by either party to alter the terms of this resolution, submitted at least 180 days before the expiration of any 10-year period, the terms of this resolution shall remain in effect for an additional 10 year period.

PASSED AND ADOPTED by the City Council of Oakdale this 18th day of June 2001 on motion of Councilmember Deklinski, seconded by Councilmember Rockey, by the following vote:

AYES:	COUNCILMEMBERS:	Deklinski, Jackson, Kuhn, Rockey, Skavdahl
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

ATTEST:

Rebecca A. Peluso

Rebecca A. Peluso
Certified Municipal Clerk

Bush, Ackley, Milich & Hallinan
Attorneys at Law
366 West "F" Street
Oakdale, CA 95361



which the City's riverfront location, railroad-oriented history, agricultural heritage, and other unique qualities are celebrated in the built environment. Riverbank in 2025 has succeeded in creating a BALANCE between housing and jobs for its residents, commerce and industries that support the local economy, and the protection of agriculture and natural resources.

Guiding Principles

Small-Town Character: Riverbank in 2025 will be a pleasant, quiet, friendly community with a distinct small-town character.

1. Public spaces in Riverbank where people can meet and interact with friends and neighbors are essential to our community.
2. Our neighborhoods are best served by attractive, safe, tree-lined, pedestrian-friendly streetscapes.
3. Our children should be able to safely walk or bike to school.
4. Downtown should be the social and cultural heart of our community, and must not be left behind as the City grows.
5. Small, locally-owned businesses are an important part of the unique character of Riverbank and essential to a healthy local economy.
6. Our streets and public spaces should be designed with people in mind, not only for the convenience of cars.
7. Commercial corridors, such as Patterson Road, should be attractive, unique, pedestrian-friendly centers of commerce to enhance the City's character.
8. Our City can grow without being overcome by traffic, noise, air quality, or other impacts that would sacrifice the small-town character.

Community Identity: In 2025, Riverbank's unique qualities will be enhanced through a balance between the built environment, the natural environment, and the working agricultural landscape.

1. The Stanislaus River is a wonderful community asset, the natural beauty and function of which we should protect as we increase public access to the River and its views.
2. Agriculture is important to our history, economy, and culture. Riverbank should remain an agricultural center for the region. We should conserve agricultural lands, nurture industries that rely on agriculture, market local agricultural goods, and increase the productivity of local agriculture through research and development.
3. Riverbank's historic roots in agriculture, the railroad, and the River, should be recognized, celebrated, and respected as we create the City's future.

MAY 16 2024

May 1, 2024

City of Riverbank
Attn: Miguel Galvez, Contract City Planner
6617 Third Street
Riverbank CA 95367

RE: River Walk Specific Plan/Draft Environmental Impact Report Comments, Riverbank, CA

Dear Mr. Galvez:

I would like to offer the following comments on the proposed River Walk Specific Plan project so that it becomes part of the permanent public record and is included in the Final Environmental Impact Report (EIR) for the referenced project. This project proposes to construct thousands of new homes, businesses, and infrastructure including parks, a walking trail around the entire perimeter, a new 4-lane road that would terminate onto McHenry Avenue, and two or three new water wells which would rely solely on groundwater to serve a 2-million gallon storage tank; nearly all of which would occur on river bottom land that is identified by the State Department of Conservation as "prime" and in sensitive riparian and wildlife habitat areas.

In my review of the Draft EIR, I have the following comments, observations and questions:

1. Page ES-4 of the EIR states that the "No Build Alternative is the environmentally superior alternative." Agreed, and this the Alternative the Council should choose as there are far too many "Significant and Unavoidable" impacts that would result from the Project, including the "loss of productive farmland and productive agricultural soils" (Page ES-3). Paying money to purchase property outside of Stanislaus County does nothing to preserve our local agricultural heritage or Riverbank's "Small Town Character" as mentioned as important in their 2005-2025 General Plan.
2. Page ES-9 of the EIR states in Impact 3.2-1, "The proposed Specific Plan has the potential (emphasis added) to result in the conversion of Farmlands..." This statement is incorrect as written and should be corrected as follows: "The proposed Specific Plan will result in the conversion of Farmlands..." especially considering that, even with mitigation to purchase farm credits somewhere else, the ultimate impact on the loss of agricultural land is still "Significant and Unavoidable."
3. Page ES-10 of the EIR states in Impact 3.2-3, "The proposed Project has the potential to result in conflicts with adjacent agricultural lands or indirectly cause the conversion of agricultural lands (emphasis added)." The suggestion that including Right to Farm "language" in a Final Map will protect the existing ag operations from nuisance complaints from their new "city" residents is insufficient, as is the suggested 300 foot "ag buffer." In addition, given that the Project proposes commercial, mixed use land use designations at both ends of the new Coffee Road extension, the EIR fails to explain whether the 300 foot barrier will be met for the existing ag uses that will then be immediately adjacent to both of those locations. Undoubtedly conflicts will arise.

SJ/gb

4. Page ES-26, Impact 3.4-6 of the EIR is, "The potential to cause a substantial adverse effect on protected wetlands and jurisdictional waters" and suggests the following mitigation: "If construction activities would disturb the ag ditch within the Project Area..." Does the EIR identify whether the "ag ditch" would be disturbed by construction activities for the Project? If not, why not? If it will be disturbed, then approvals will be necessary from both the US Army Corps of Engineers (USACE) and the CA Regional Water Quality Control Board (RWQCB). The EIR should clarify whether the ag ditch will be disturbed and specifically what would be required so reviewers are not left guessing.
5. Pages ES-26 & 27 of the EIR conclude that Impacts 3.4-7 & 8 are "Less than Significant," therefore, no mitigation measures are required. These Impacts include potential adverse impacts to "riparian habitat or other sensitive natural community" and "interference with the movement of any native... wildlife species or with established native resident or migratory wildlife corridors..." Developing the conclusion of "Less than Significant" impacts in this case is inconsistent with the UC Davis study entitled "Safe Passages" which is referenced and included under separate cover. These Impacts need to be re-evaluated after having taken the UC Davis study into account.
6. Page ES-27 of the EIR in Impact 3.4-10 discusses Riverbank's "Oak and Landmark Tree Preservation" Ordinance which "calls for the conservation and protecting of existing landmark trees and oak trees within the City..." The suggested mitigation measure (3.4-11) is that "prior to and during construction" any trees falling under this requirement shall be identified and protected. Why hasn't a survey already been conducted and included in the EIR so the public has the opportunity to comment on its relative significance? This seems to be an oversight and should be corrected.
7. Page ES-44 and Impact 3.10-2 of the EIR states, "The proposed Project would not conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction..." (emphasis added). The Project proposes to change the Land Use Designation that currently resides in the unincorporated area of Stanislaus County, from an Ag Designation to that of "Reserve." To me this proposes a direct conflict "with an applicable land use plan" so the conclusion that this Impact is "Less than Significant" is incorrect. Rather, it should be "Potentially Significant."
8. Page ES-44, Impact 3.10-3 of the EIR states, "The proposed Project has the potential to induce substantial population growth" yet it concludes the Impact to be "Less than Significant." Rather, the conclusion should be "Potentially Significant" and discussed in detail in the EIR for the following reasons: A) the project proposes commercial, mixed use land use designations at both intersections of a newly extended Coffee Road. These commercial/retail businesses will be immediately adjacent to parcels currently zoned Ag where no commercial property currently exists, so to suggest that this will not be growth inducing is incorrect; B) Extending (leap-frogging) Riverbank's Sphere of Influence (SOI) 2 miles West to McHenry Avenue and North to the Stanislaus River will induce growth between Patterson and Claribel Roads to the South, toward the City of Modesto, and from the City of Escalon South toward Riverbank. These areas are currently zoned Ag, but once the ag land is converted, growth will be induced; and C) If Riverbank is allowed to extend its SOI to McHenry Avenue, it could be growth inducing to the City of Modesto putting pressure on them to extend their SOI from Keirnan Avenue to Ladd Road.
9. Page ES-46 of the EIR discusses the Modesto Rifle Club (MRC) in Impact 3.11-4. The mitigation measures proposed for noise impacts associated with MRC seem too extreme do be do-able without putting them out of business. Even if they were deemed to be do-able, once annexed

into the City, they will be required to not create a noise nuisance. Should the City receive nuisance complaints about MRC, even though they were pre-existing, they would be required to abate those nuisances which may not even be possible. The EIR inadequately discusses the land use compatibility of homes adjacent to MRC. Homes do not belong in this area.

10. Page ES-48, Impact 3.12-2 of the EIR states, "The proposed Project may require the construction of fire department facilities..." yet it concludes the Impact to be Less than Significant. Page 3.12-2 notes that the closest fire station is 1.9 miles from the Project site and the farthest point of the Project Site is 4.4 miles away. In addition, Page 3.12-4 notes that Riverbank's General Plan (GP) requires an ISO Rating of at least Class 2 for there to be GP consistency, yet Riverbank's current rating is Class 3. In addition, this section of the EIR goes on to say that the Fire District "would need to increase staffing and expand their number of fire stations" to meet a Class 2 rating. Given this, the Impact should be listed as "Potentially Significant" and require mitigation.
11. On Page ES-49 of the EIR, Mitigation Measure 3.13-1 refers to the "MID Trail." Please clarify what and where the "MID Trail" is. Is this the banks of the Canal?
12. Pages ES-49 & 50 of the EIR and Impacts 3.13-1 thru 4 involve Transportation & Circulation. Even considering that the Project would pay its pro rata fair share of cost to improve the "McHenry/Ladd Road/Patterson Road intersections," this Impact is still "Significant and Unavoidable (SU)." More detail should have been included in this section because there are several SU impacts, but instead the notation only states that this Impact is "inconsistent with CEQA" (emphasis added). To find the detail, one has to go to Pages 3.13-14 thru 25. The details include the following: A) The Project has the potential to have busses stopping on McHenry Avenue at the new Coffee Road intersection where the speed limit is 45 mph (and just prior to that section it is 55 mph*). McHenry Avenue was only recently improved, but not for public transportation stops such as busses, B) The Project admits that pedestrian safety cannot be ensured because there is "No assurance CalTrans would approve Mitigation Measure 3.13-1" which is SU as well, C) The Project conflicts with CEQA because there is no adopted policy to determine whether Vehicle Miles Traveled (VMT) meet the required standards rendering this Impact also SU; and D) Geometric design hazards exist which includes "dangerous intersections" and lists "two locations where development would result in significant safety impacts on State facilities" (emphasis added). Specifically, the intersections of McHenry/Ladd/Patterson and the Patterson (State Route 108)/Skittone Roads. The problem at McHenry/Ladd/Patterson is that the Project "would cause the queue of peak hour traffic to exceed available storage length in the southbound left turn lane AND in the eastbound left turn lane (emphasis added). I submit that the lane capacities at McHenry/Ladd/Patterson are often already exceeded at peak times, without the Project being implemented. The EIR states there are two "fixes" for this problem. The first is to add a "2nd southbound turn lane" on McHenry. Where would the room for this physically come from to add a 6th lane to a road that was just recently improved to 5 lanes? The second is to add a "2nd eastbound lane on Patterson Road between McHenry and SR 108. Is there even enough room for this? Would part of the existing solar farm have to be removed to make room for this, or would the pre-existing furniture store lose its entire parking lot on the north side? This section also includes incompatible uses such as farm equipment. Yes, farm equipment such as shakers, sweepers, pick-up machines, etc., do travel on the roads in this area so incompatible uses will continue. The only decision that can be made for this Project is "No Project." *Now that McHenry Avenue has been expanded to 5 lanes, even though the posted speed limit is either 45 or 55 mph, my husband now refers to it as "McHenry Raceway" because people speed excessively. On April 9, 2024, a terrible accident occurred right in front of our

home in which 4 people died. It would not be safe for busses to stop on McHenry at the “new” Coffee Road intersection even if extra widening were to occur and I would be shocked if Caltrans would allow this.

13. Continuing with the Traffic/Circulation comments made in No. 12 above, the EIR lacks a thorough evaluation of the impacts that would result west of the Project on Ladd Road, other than concluding the east bound left turn lane would need to be lengthened. In addition, there is no discussion in the EIR about McHenry Avenue between Ladd/Patterson and Kiernan/Claribel, in addition to McHenry Avenue between River Road and Escalon, both of which are currently two lanes and not slated for widening. The proposed Project would significantly increase traffic on McHenry Avenue south of the Project yet the EIR fails to discuss this or propose improvements/mitigation for this. This oversight needs to be corrected and a worst-case demand impact on the transportation network needs to be included.
14. Page ES-52 of the EIR and Cumulative Impact 4.2 states: “Degradation of the Existing Visual Character of the Region: No mitigation measure is listed because none exist.” This conclusion is incorrect as the Project would permanently and forever destroy the existing visual character of the region which is why it is listed as “Cumulatively Considerable and Significant and Unavoidable.” The same goes for Impact 4.17: “Exposure of Existing Noise-Sensitive Land Uses.” These errors need to be corrected. Given this, the “No Project” alternative is the only choice that exists.
15. Page ES-54 of the EIR and Impacts 4.19 and 4.20 state: “Inconsistencies with CEQA and Pedestrian concerns.” Please see Item No. 12, above.
16. Page 1.0-7 of the EIR incorrectly lists Donna Kenney as the Planning Director (Retired in Dec. 2023). This needs to be corrected.
17. Pages 2.0-4 thru 6 of the EIR list and describe the “Existing City of Riverbank GP Land Use (LU) Designations,” however, the Designation of “Clustered Rural Residential” has been omitted, just as it was from the Notice of Preparation (NOP) – why? It was also left out of the EIR that was prepared for the 2005-2025 GP and was only provided as a response to comments in the Final EIR because several people asked for more clarification of what the “Reserve” Designation meant. This information, as follows, needs to be added to the EIR and recirculated: Clustered Rural Residential (CRR) is the underlying LU Designation in Reserve areas (which is an overlay to the CRR LU) and denotes a “density range of residential development of 0.2-1 dwelling unit per acre (1-5 acres per dwelling unit). One unit/acre is the maximum development yield on any given parcel proposed for subdivision. Any residential development in the CRR LU designation requires clustering of proposed development areas such that at least 80% of the parent parcel (is) in the unimproved open space use, and is not to be included in any property with a residence or any other urban use. Within areas designated CRR, this GP provides for a total of 250 dwelling units to be developed (emphasis added) ...Residential lots in CRR shall minimize impacts to agriculture by avoiding development on prime farmland (as shown on CA Dept of Conservation maps) or permanently protect prime farmland via an approved irrevocable easement.” The failure to provide the totality of LU Designations in the City gives EIR reviewers incomplete information with which to make informed comments. Please also refer to my below comments regarding Page 3.10-18 below, and how this Project fails to demonstrate General Plan consistency. The EIR needs to include a full discussion of the CRR LU designation and that it is inconsistent with the proposed Project.
18. Page 2.0-7 of the EIR states that “The Project is intended to directly address these concerns (emphasis added);” the concerns of which include the low-income population category and

urban sprawl. Given that the majority of the Project will be low density units, the EIR includes inadequate discussion of how the Project “directly” addresses the low-income category/population and CA’s housing “affordability crisis.” Regarding the concern of “urban sprawl,” this Project creates urban sprawl given that it is 2 miles NW of the City. The EIR contains no substantive discussion of how the Project will “directly” address the need for low-income housing and will avoid sprawl. To simply state that the Project addresses these concerns with no real “meat on the bone” is unacceptable.

19. Page 2.0-9 of the EIR now describes the community Clubhouse as “age-restricted,” which the NOP did not. Why was this changed? If it truly will be age-restricted, how will this be enforced? Please also see additional comments below, regarding conflicting language elsewhere in the EIR re: the Clubhouse.
20. On Page 2.0-9 and elsewhere in the EIR, the proposed Project is described as being “age restricted.” The EIR fails, however, to include a thorough discussion of the Federal and State laws that govern senior communities. Specifically, Congress enacted the “Housing for Older Persons Act of 1995 (HOPA)” and to qualify, associations must satisfy the following requirements: A) At least 80% of the occupied units must be occupied by at least one person 55 years of age or older; B) Publish and follow policies that demonstrate an intent by the association to provide housing for persons 55 years of age or older; and C) Comply with age verification procedures designed to ensure compliance with 55+ requirements. California has made similar accommodations for senior communities in the Unruh Act, where to qualify as a senior community, CC&Rs must state that at least one person in the dwelling must be a senior citizen, i.e., a qualified permanent resident (55 years of age or older or 62 years of age or older depending on the category of the senior community) and that each other resident in the same dwelling must be a qualified permanent resident. A “qualified permanent resident” is defined as someone who is residing with the qualifying resident in a senior citizen community is 45 years of age or older, or was a spouse, or cohabitant providing physical or economic support to the qualifying resident. Underage health care providers also are allowed to live with the senior resident. A person under 55 years of age can reside alone in a senior community as Civil Code Section 51.3 states that a qualified permanent resident is entitled to continue his or her occupancy, residency or use of the dwelling as a permitted resident upon the death of the senior citizen or dissolution of his or her marriage, or upon the senior citizen’s hospitalization, or other prolonged period of illness. The EIR should include this information and thoroughly discuss how the senior community portions of this Project will be published, monitored and enforced, and how the age restriction will be maintained in perpetuity. Without a mechanism to maintain the age restriction in perpetuity, the EIR inadequately discusses other Project Alternatives with fewer or no age restrictions and the impacts of those additional alternatives would place on public services. Please provide the full details of this proposed “age restricted” Project.
21. With respect to item No. 19 above, HOPA requires that at least 80% of senior communities be occupied by at least one person 55 years of age or older. The proposed Project, however, currently calls for 348 of the 2,432 – 2,682 homes to NOT be age restricted, which leaves 86-87% of the proposed dwelling units as age restricted. The EIR should also include a discussion as to whether or not this percentage could be lowered to the minimum of 80% age restricted units, and if so, what impacts this could have, including upon schools. If only 80% of the dwellings were age restricted, or 1,945-2,146 units, this would allow 487-536 non-age restricted units.

22. Also on Page 2.0-9 of the EIR where Mixed Use 5 & 6 are discussed, I compared this section to the NOP and noted that two statements made in the NOP were eliminated from the EIR, as follows: "The roadway fronting this site will involve a modification to the major collector to slow traffic..." And "combined with the accessibility/exposure to higher traffic volume on McHenry Avenue..." Why were these statements removed?
23. Table 2.0-4 may contain a numerical typo, as follows: Mixed Use acreage is listed as 76.76 whereas Page 2.0-8 lists 71.75 acres. Please clarify.
24. Table 2.0-4 may contain a second numerical typo, as follows: The NOP listed 60.2 acres as what is proposed to be in the Reserve LU Designation but the EIR lists 579.39 acres. Which is correct? Also, the NOP listed 186.6 acres for Rights of Way vs. the EIR which shows substantially less (63.37 acres). Please clarify.
25. Page 2.0-11 of the EIR states the following: "The Specific Plan includes a flexible design provision to enable each residential village (of which there are 18) to be designed with a variety of housing products varying in lot and product sizes. Under this flexible design, the final design of villages may include up to 25% of the lots designed at a density consistent with greater density products as long as the average density does not exceed the density allowed for that LU." More discussion is necessary so that reviewers understand the impact of this "flexible design." Please see also comment No. 71 which discusses Page 4.0-22 and a maximum of 5,607 dwelling units.
26. Page 2.0-30 of the EIR discusses schools and says that the Project "will generate few, if any, school-aged children or young adults." On Page 3.12-21 it says the Project is "not anticipated to generate 'many' school-aged children" but does not mention young adults. On Page 3.12-25 it says, "All residential units located in the Stanislaus Union School District are active adult and will not (emphasis added) generate students requiring educational service." Age is no longer a predictor of whether there will be children or young adults in a home, particularly since Accessory Dwelling Units (ADUs) are being encouraged by the State. In addition, these statements seem to be conflicting each other and this needs to be corrected.
27. Page 2.0-29 of the EIR discusses Solid Waste and incorrectly states that the County landfill is administered by Public Works. Since 2007, the landfill has been administered by the Dept. of Environmental Resources so this needs to be corrected. This same error is made on Page 3.14-56. It should also be noted that the waste-to-energy facility notified the County in December 2023 that they want to close ahead of schedule (2027) due to financial losses. The EIR needs to include discussion about this, including the current status of those negotiations and the impact an early closure would have on landfill capacity and the ability to manage that waste. Would the Fink Road Landfill be able to accept 100% of the County's waste stream, which would likely double the current waste throughput? Or conversely, would some waste have to be exported out-of-county, and if so, the ability of neighboring landfills to accept this waste, including Riverbank's additional waste if the Project were approved.
28. Page 2.0-31 of the EIR states that the Clubhouse is for "residents." While it, of course, is for residents, Page 2.0-9 says the Project includes an "age-restricted adult community Clubhouse" yet on Page 2.0-31 it does not say that the Clubhouse is age-restricted. The EIR should be consistent throughout as to whether the Clubhouse is age-restricted (or not).
29. Figure 2.0-7 on Page 2.0-47 of the EIR shows the City of Riverbank existing General Plan Land Use Designations. What is not included in the EIR, however, is a figure/map of the Stanislaus County existing General Plan Land Use and Zoning Designations. Why was this information omitted? DeNovo is the same consultant that prepared the Crossroads West EIR where both the City and the County Land Use Designation maps/figures were included so why were they

omitted from the River Walk Project EIR? Please provide this important information so that reviewers can get a clear picture of what the Project is proposing and what agricultural land the County would be losing.

30. Page 3.2-1 of the EIR discusses Agricultural Resources and states the following: "This section concludes with an evaluation of the impacts related to ag resources and recommendations for mitigating impacts as needed" which is based entirely existing sources of data. As per Riverbank's 2005-2025 GP, the following is required by Policy "SAFE 1.9: Developments located on farmland or former farmland shall prepare reports that analyze residual ag chemicals that may be present onsite. Development on such sites shall include measures to remove any risk due to hazardous materials for on-site proposed land uses, as well as existing and proposed land uses and users in the vicinity." I was unable to find these required "reports" in the EIR which "shall be" prepared. Please provide these required reports in order to demonstrate that this GP Policy has been met.
31. Page 3.3-1 of the EIR contains a typographical error. It mentions a comment submitted by "Betsy Watson," but her correct name is "Betsy Walton." Please make this correction.
32. Chapter 3.3 of the EIR is dedicated to Air Quality. It states that Assembly Bill (AB) 170 which was signed into law in 2003, requires General Plans to include "data and analysis, comprehensive goals, policies and feasible implementation strategies designed to improve air quality." In addition, there are four specific areas of air quality discussion that are required. Two of these requirements, however, are missing from Riverbank's current General Plan (2005-2025). , quality conditions, attainment status, and State and Federal air quality and transportation plans; and 2. A summary of local, district, State and Federal policies/programs and regulations to improve air quality. Riverbank's current General Plan was adopted in 2009 which was ample time for the City to include these mandatory elements. The Proposed Project requires that a finding of General Plan consistency be made, but how can such a finding be made when the General Plan itself is inadequate without the inclusion of these mandatory AB 170 elements?
33. Page 3.3-25 of the EIR indicates that there will be "no hearths" in the Project. Please clarify exactly what this means: no gas/wood burning fire places and or stoves? Clarity is needed because if not, these emissions need to be accounted for.
34. Pages 3.3-28 & 29 of the EIR discuss the following: a) that exceedance of the ROG threshold would "likely only occur in later phases of the Project..." which acknowledges the exceedance but does not propose any specific mitigation; and b) that the Project "would generate emissions of PM during operational activities... (but) it is likely that that the increases in PM generated by the proposed Project would be minimal...." This is a known non-attainment area for PM which does not support a statement that the increase would be "minimal." Any increase to PM emissions in a known non-attainment area is unacceptable and must be mitigated.
35. Continuing on with Chapter 3.3 of the EIR regarding air quality, Tables 3.3-8 and 3.3-9 show that the Project is anticipated to exceed the tons per year (TPY) air quality thresholds for Reactive Organic Gasses (ROG) and Particulate Matter (PM) 10 by almost double. In addition, Table 3.3-10 shows that the Project is anticipated to exceed the pounds per day threshold for Carbon Monoxide (CO), ROG and PM 10 with the CO threshold being exceeded by nearly five times the standard. These are significant emissions increases that will only be reduced to a less than significant impact after 3 mitigation measures are implemented. The problem being, these 3 mitigation measures are vague and only commit to future analysis with no real specifics. Given this, how can a finding of less than significant be concluded with no enforceable commitments? It is unclear how the project proponent(s) or the approving agency (Riverbank) will ensure that

the overall project will not exceed the San Joaquin Valley Air Pollution Control District (APCD) thresholds since specific mitigation or backstop measures are not proposed. Given this, the City of Riverbank must find that the Project, as currently proposed, will have a cumulatively considerable net increase in non-attainment pollutants and could conflict or obstruct the implementation of the APCD's air quality plan which is held to a Federal mandate. The Project must propose enforceable mitigation measures that do not create a net increase in emissions without "kicking the can down the road" to some future, unknown compliance date

36. The first mitigation measure in Chapter 3.3 of the EIR proposes that "Criteria Pollutant Reduction Plans (CPRP) would be required for each portion of the project as it is implemented, yet the City of Riverbank would be the approving agency for these CPRPs. Shouldn't the local Air Pollution Control District be part of this approval process? Being devoid of the APCD's involvement suggests something akin to the "fox watching the hen house." In this scenario, what assurance will the public have that air pollution standards/thresholds will be mitigated to a level of insignificance? The second mitigation measure which is proposed is to prepare and "Ambient Air Quality Analysis," yet the EIR fails to describe how an "analysis" would guarantee that air quality standards/thresholds will not be exceeded. These measures shift the responsibility of ensuring no significant emission impact to the individual developers of 18 villages and multiple mixed use areas. These seems like "project splitting" which is not allowed under CEQA guidelines and would create significant issues with public oversight, tracking, accounting and enforcement. It is also unclear how the Project proponent(s) will ensure that the cumulative impact from the overall project will be less than significant when there could be 20 or more Project proponents. How will this effort be coordinated, overseen and enforced?
37. The third mitigation measure in Chapter 3.3 of the EIR will be to file a "Rule 9510 Air Impact Assessment (AIA) Application" with the Air District, yet here too the EIR fails to describe the details of how filing an application will guarantee that air quality standards/thresholds will not be exceeded. Rule 9510 requires that the Air District's "On-site Checklist" be used, which is not included in the EIR and should be, and that measures selected from the checklist be "fully enforceable/legally binding" through something like a Development Agreement. How will the Project meet this requirement? Rule 9510 also requires that any measures not selected from the District's Checklist be justified as to why they were not selected. How will the Project meet this requirement? Rule 9510 further requires that a Monitoring and Reporting Schedule be submitted yet the EIR fails to mention this requirement as well. How will the Project meet this requirement? Finally, the EIR fails to point out that the APCD must approve an AIA Application, so simply filing an Application does not guarantee it's approval. As stated, much information has been left out of Mitigation Measure #3 and the AIA Application which needs to be included.
38. Page 3.3-30 of the EIR states the following: "The Project's emissions would make a cumulatively considerable contribution to the region's exceedance of the California or National Ambient Air Quality Standards for ozone (O3), and therefore would be expected to have a potentially significant health effects on people located in the immediate vicinity of the Project site." The discussion goes on to say regarding ROG and PM, "These symptoms would be most prominent in asthmatics." My home is immediately adjacent to the Project Area and I have had asthma since I was a child. What will be done to mitigate this Project from worsening my asthma?
39. Page 3.3-31 of the EIR contains a sentence that is unclear. Please clarify as follows: "Therefore, with implementation of Mitigation Measures 3.3-1, 2 & 3, the Project's potential to result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment, and therefore the proposed Project's potential to conflict with or obstruct

- implementation of the applicable air quality plan, would be considered to have a less than significant impact.” The second half of this sentence does not seem to fit with the first half.
40. Page 3.3-32 of the EIR says there are 4 Mixed Use Areas, however, the Table lists 6 Mixed Use Areas. Are there 4 or 6?
 41. Page 3.3-33 of the EIR states that “right of way, community park, and bluff acreage” were not included as contributing emissions. Who is responsible for the construction and operational emissions from these areas/activities? Who will be responsible for ambient air quality analysis and the CPRP’s for these indirect sources? The EIR is silent on these issues and clarification is needed.
 42. Page 3.3-34 of the EIR includes the following sentence regarding the filing of Rule 9510 AIA Applications which does not read properly: “...prior to commencement of construction activities for the project each individual development project...” Is the intent to file a Rule 9510 application “prior to the commencement of construction activities for the project,” or “prior to the commencement of each individual development project” as it seems like it needs to be one or the other. Please clarify so that the reader can understand exactly what you are proposing for a mitigation measure.
 43. Page 3.3-35 of the EIR contains a typo as it refers to Rule 9501 vs. 9510. Please correct this error.
 44. Page 3.3-35 of the EIR discusses Mitigation Measure 3.3-3 (the 3rd mitigation measure), but concludes by saying that an AIA Application will be submitted “if required.” Because of the Project’s size, the EIR states that the Project must meet the requirements of Rule 9510 so if there’s a question about whether an AIA Application will be submitted or not, how will mitigation be achieved? Furthermore, the EIR states that with the implementation of the 3 mitigation measures, the Project’s air quality impacts will be “Less Than Significant.” If there’s a question about whether AIA Applications will be submitted, how can the conclusion be “Less Than Significant?” Additional discussion and clarification is needed here.
 45. Page 3.4-2 of the EIR states that the land in the west/central portion of the Project Area is “fallow.” This is incorrect. I have lived adjacent to the Project Area since 1987 and it has been actively farmed every year since with the exception of the time period when the older walnut orchard was being removed. This statement also contradicts Page 3.4-2 which says, “The surveys spanned multiple growing seasons, so the condition of the field ranged from recently tilled agricultural fields, to early growth of crop,” and Page 3.4-7 which says, “The majority of the Project Area us under active agricultural use...” These statements contradict each other and should be corrected, in fact, there are many places in the EIR where the land is incorrectly referred to as “fallow.” In order to find them all you should do a ‘word search’ in order to get them all corrected.
 46. Page 3.4-2 of the EIR states that the “natural habitats of the riparian and bluff areas were inspected; however, the density of vegetation and steepness of slopes were two factors that limited the ability to provide full transect coverage,” and lower on the same Page the same statement is made regarding the inability to provide full transect coverage “of a large buffer area; however, care was provided to ensure that a full coverage survey of the actual alignment was provided.” This discussion lacks in detail and should be expanded so reviewers have a full understanding of the care that was taken to ensure the study was complete, particularly since 17% of the Specific Plan area (169/997 acres) was not surveyed as per Table 3.4-2 on Page 3.4-3. Please see the enclosed, hand-shaded Map which depicts the Project and SOI Areas that were not surveyed and also note the following comment from CA Fish & Wildlife (CDFW) comment

letter dated April 25, 2024, regarding Nesting Birds: "CDFW does not concur (emphasis added) that this (mitigation) measure is adequate to mitigate for impacts to nesting birds.... CDFW also recommends that surveys cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area (emphasis added) potentially affected by a project." This seems to indicate that it is unacceptable not to survey the remaining areas. Please clarify and survey all potentially affected areas.

47. The total acreage should be included on Tables 3.4-2 and 3.4-3 on Pages 3.4-3 & 4 of the EIR so that reviewers can more readily determine the number of acres that were not surveyed without having to get out a calculator. The information should be plain and clear.
48. Page 3.4-45 of the EIR discusses the 3.31 acres of Swainson's Hawk nesting habitat that would be forever lost due to the construction of a new road that would terminate on McHenry Avenue. In addition, Figure 3.4-5 shows 305 acres of foraging habitat would be impacted by the Project. Considering that there are documented sightings at both the Project site and the wastewater treatment plant for the Project, this Project should not even be under consideration for approval. Have there been any additional and/or recent documented sightings?
49. Page 3.4-56, Impact 3.4-6 and Mitigation Measure 3.4-9 of the EIR discusses the ag ditches within the project area and whether they are "jurisdictional" which would require authorization from various regulatory agencies including the USACE, Fish & Wildlife and the RWQCB if the proposed Project plans to fill in the ditches. Does the project propose to disturb or fill in the ditches? This is not discussed in the EIR and should be, and if they are proposed to be disturbed/filled, the Project applicant should have already approached these agencies to determine what would be required. If the ditch(es) is found to be jurisdictional, would the EIR then need to be reviewed by one or more Federal agencies? EIR reviewers should not be left to wonder about these impacts; rather, this information should have been pre-determined and included.
50. Page 3.6-1 of the EIR references a "Preliminary Engineering Geotechnical Report" prepared by Kuhl & Associates, March 2020. Riverbank's 2005-2025 GP, however, requires the following as per Policy "SAFE-1.11: Proposed developments within river bluff areas (emphasis added) and other areas prone to geologic and soil limitations require a detailed geotechnical study (emphasis added) prepared by an independent qualified geologist approved by the City. Approved plans, projects and subdivision requests shall include measures to decrease risks identified in the geotechnical study, to the City's satisfaction." Lastly, Volume II, Appendix D of the EIR which includes the referenced Geotechnical Report, states the following in the conclusion: "The proceeding sections of this Report should be considered a general overview (emphasis added) of the geotechnical aspects of this development." Does this "preliminary," and "general overview" geotechnical study that was prepared satisfy this requirement for a "detailed" study? The EIR fails to include a discussion about this – please clarify/explain.
51. Page 3.9-1 of the EIR incorrectly refers to a comment from "James & Jami Aggers." The comment was submitted by "Bernard & Jami Aggers."
52. Figure 3.9-2 of the EIR lists in its Legend a designation for "Pipeline," however, most if not all of the MID pipeline appears to be missing from the map. Part of this pipeline runs through our property, so it clearly is not shown on the Figure. All of the pipeline locations should be shown, not just those on the SJ County side of the Figure, so reviewers can assess the potential impact the Project would have to existing pipelines.
53. Also on Figure 3.9-2 of the EIR, the solid blue line in the Legend depicts "Stream/River," but as shown it appears that a stream runs all along and through the Project Area. Was this meant to

denote the existing ag ditch? Regardless, this is incorrect and needs to be corrected but the ag ditch should be shown. I also could not find a Figure in the EIR that depicts the location and length of the Berghill Levee which also should be shown, and some sources have said that the levee is 2.2 miles in length. The levee is a key aspect of this proposed Project yet the EIR does not even depict its location. Why? Lastly, North of River Road at McHenry another solid blue line is shown. Should that be a canal or ditch instead (because there's not another stream/river there)?

54. Page 3.9-12 of the EIR describes three floodplain areas within the Project Area: the 100-year, Zone X, and the 500-year floodplains, yet what is depicted on Figure 3.9-2 shows only the 100- and 500-year floodplains – why? Zone X needs to also be depicted on Figure 3.9-2. As it currently is depicted, figure 3.9-2 is incorrect.
55. Page 3.9-13 of the EIR states that State Plan of Flood Control “facilities” on the Stanislaus River include levees on both banks upstream from the San Joaquin River, however, the location of these “local interest project levees” which have been “identified by the USACE as adequate to contain this design capacity (8,000 cfs) and are therefore designed to provide 200-year protection for the Stanislaus River, which includes the project area” are not included in the EIR and should be. EIR reviewers should be able to clearly see where this “protection” is located in relation to the Project Area. Was it omitted because it's not even remotely close to the Project area?
56. Page 3.9-13 of the EIR discusses Dam Failure and the State department responsible for inspecting New Melones Dam, but gives no indication about how often the Dam is inspected, when the most recent inspections have occurred, or what those reports have indicated about its safety. The discussion also fails to direct reviewers to Figure 3.9-3 which is the Dam Inundation Map. This important information should be included in that discussion.
57. Page 3.9-13 of the EIR also discusses Flood Protection and says that the Project Area “has adequate flood protection through 2025 as required by SB 5.” Considering that the year 2025 is only roughly 7 months away, why is there no discussion about beyond the year 2025? The EIR also lacks a thorough discussion about SB 5 and its requirements. For example, has the City completed the required amendments to its General Plan and Zoning Ordinance related to flood control? This information needs to be discussed in detail.
58. Page 3.10-4 of the EIR discusses CA Planning and Zoning Law but fails to include this important portion of the Government Code: “No Specific Plan may be adopted or amended unless the proposed plan or amendment is consistent with the General Plan (emphasis added).” There are numerous aspects of the Project that are not consistent with Riverbank's 2005-2025 GP, including the 305 acres of Reserve area, or 31% of the Project Area, which is not designated for development, other than Clustered Rural Residential and a total of 250 homes. On this basis alone, the Specific Plan cannot be approved, particularly given that it comprises nearly 1/3 of the Project Area.
59. The discussion of Existing Land Use Designations that begins on Page 3.10-11 of the EIR again omits Clustered Rural Residential as noted in #16, above. This needs to be corrected. Is the EIR intentionally omitting this LU designation because it is inconsistent with the proposed Project?
60. Page 3.10-16 of the EIR states the following: “Consistent with Appendix G of the CEQA Guidelines, the proposed Project will have a significant impact on land use, population or housing if it will:” and one of the criteria is as follows: “Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).” This is exactly

what this Project proposes to do! And as pointed out in Nos. 16 & 38 above, nearly 1/3 of the Project Area was not planned for homes and businesses. This is correctly pointed out in Impact 3.10-1 on Page 3.10-17 as follows: "The proposed Project would result in an expansion of an SOI boundary to areas not previously planned for development.... (emphasis added)." Appendix G of the CEQA Guidelines define such as impact as "Significant" yet the EIR concludes this to be "Less than Significant." This is incorrect and needs to be corrected.

61. Page 3.10-18 of the EIR states that "...a portion (emphasis added) of the proposed Specific Plan is designated as Reserve...." Again, the EIR attempts to downplay how significant a portion, this Reserve "portion" of the Project is which is inappropriate. This section goes on to say that several findings would have to be made to make the Reserve area "eligible" for consideration for urban development including that it is "adjacent to developed areas of the City." As per Figure 2.0-7, the Reserve area is not adjacent to any developed areas of the City so how could this finding be made? Another of the required findings is as follows: "The City has had prepared infrastructure planning and financing to serve the needs of the proposed development area, including financing of any necessary citywide facilities to accommodate the planned level of growth." The City's Master Plans are seriously outdated (from the 2007 & 2008 timeframe*) and did not plan to serve this area nor would there be financing in place. Still yet another finding that must be made is this: "Either the rest of the Riverbank Planning Area is sufficiently built out such that the Reserve area is now needed...." The Riverbank Planning Area is not "sufficiently" built out as only approximately 1/3 of the Crossroads West area has been annexed thus far. Again, how can these findings be made? Only the "No Project" alternative can be made in this case. *Typically Master Plans are updated prior to development to demonstrate that a City has the necessary public services to cover/service the need. This has not been done in this case and is a serious flaw. The Master Plans need to be updated before this Project can be considered. Please refer to the attached 2007 Sewer Master Plan, Figure 2-1 which shows that the proposed Project Area was not planned for, in fact, it doesn't even plan for the full inclusion of the Crossroads West SOI increase.
62. Page 3.10-18 of the EIR lists the "findings" that must be made in a Public Hearing before the Reserve area within the Project can be made "eligible" for consideration for urban development. Please explain this process. Would the City hold two Public Hearings during a single Council meeting, first to make the findings that the Reserve area is now "eligible" for urban development, and then hold a separate Public Hearing on the EIR, or would these Public Hearings need to happen on different dates? This discussion has been left out of the EIR and should be included.
63. Page 3.10-19 of the EIR includes a discussion of, essentially, the "wobble room" of language that can be found in General Plans such that the "ultimate question of meaning" (regarding General Plan consistency) lies with the City Council. Case law interpreting the Planning and Zoning Law is cited which makes it clear that: "(i) the ultimate meaning of such policies is to be determined by the elected city council or a lower tier decision-making body such as a planning commission, as opposed to city staff... (emphasis added)." In this case, however, it is the staff who have come to the following conclusion: "...that the Project is consistent with the key land use issues and development 'concepts' of the General Plan.... (emphasis added)." While the Project may be consistent with development "concepts" in the General Plan, the Reserve area which constitutes almost 1/3 of the Project Area is inconsistent with the General Plan. This discussion in the EIR represents a foiled attempt on the part of staff to demonstrate GP consistency which doesn't exist.

64. Page 3.10-19 of the EIR quotes the City's GP Implementation Chapter as follows: "The Riverbank General Plan anticipates large new growth areas northwest, east, and southwest of the City (which include the Specific Plan Area)," however, the City's 2014 General Plan Amendment, adopted in Resolution No. 2014-011, deleted the northwest, east, and southwest planning areas so the "northwest" area that includes the Project is no longer specifically delineated for future growth. Instead, the 2014 Amendment replaced specific areas with "criteria" that Specific Plans must meet in order to be considered, one of which is as follows: "Specific Plan areas shall generally be approximately 200 acres. Smaller specific plan areas shall be considered and allowed subject to City Council approval." The River Walk Specific Plan is 5 times greater than this criteria, therefore, it does not meet the criteria and is no longer "anticipated" by the GP. Please also refer to a discussion about the 2014 General Plan Amendment under separate cover.
65. Page 3.10-20 of the EIR includes Table 3.10-5 which depicts existing vs. proposed residential land use potential within the Specific Plan Area. Currently there are 521 acres designated as Ag Resource Conservation, but the proposal is to go to zero. This seems to be in conflict with the City's 2005-2025 GP's "Guiding Principles" that "helped guide development of the General Plan." Specifically, it states "Small Town Character: Riverbank in 2025 will be a pleasant, quiet, friendly community with a distinct small-town character." An additional Guiding Principle is as follows: "Community Identity: In 2025, Riverbank's unique qualities will be enhanced through a balance between the built environment, the natural environment, and the working agricultural landscape." This Principle goes on to state the following: "Agriculture is important to our history, economy, and culture. Riverbank should remain an agricultural center for the region. We should conserve agricultural lands, nurture industries that rely on agriculture, market local agricultural goods, and increase the productivity of local agriculture through research and development (emphasis added)." How does Riverbank maintain its small-town character and remain an agricultural center for the region when the Project proposes to reduce land designated as ag from 521 acres to zero? The EIR should include a discussion about this as it is currently missing. Please see Riverbank's Guiding Principles which are enclosed.
66. Page 3.10-21 of the EIR states the following: "The land uses as proposed are not consistent (emphasis added) with the General Plan Land Use Map," which is correct, and then goes on to say that the Specific Plan "would result in a reshuffling of the existing land uses to accommodate various engineering/planning challenges and to create a design pattern for improved form and function." When an inconsistency exists, there are two options: 1) the use is not allowed; or 2) a GP Amendment must be approved. The preference in this case is that the use not be allowed because it is not consistent.
67. Page 3.10-21 of the EIR also states the following: "The General Plan amendment would be adopted by resolution at the same time the Specific Plan is adopted, and would have all appropriate environmental documentation, tribal consultations, public review, and public hearings required by law." I submit that "all appropriate environmental documentation" has not been provided, as has been pointed out many times in this comment letter. Also, in the Cultural Resources section of the EIR, I see a lack of tribal consultation evidence provided in the EIR which should be included.
68. Page 3.10-26 of the EIR mentions the 58 acres which comprise the Park Ridge/River Heights neighborhoods which are not proposed to be annexed into the Project Area, thus creating a County island. Creating an island is not allowed per LAFCO policies. The EIR fails to discuss this incompatibility and it needs to be included. In addition, excluding this area from the proposal to be annexed creates a failure to give the residents of this area a voice in this process.

69. Regarding the Park Ridge/River Heights neighborhood mentioned in No. 52 above, the EIR inadequately discusses the independent water system that supplies this area and the potential impact the addition of 2 or 3 new wells and a new 2M gallon water storage tank the Project could have. More detail is needed in this regard.
70. Page 3.10-33, Impact 3.10-3 of the EIR states that the Project has a Less than Significant potential to induce substantial population growth in an area. As was pointed out in No. 8 above, a Less than Significant conclusion is grossly incorrect and should be changed to "Potentially Significant."
71. Page 3.10-34 of the EIR quotes a US Bureau of Labor Statistics (USBLS) figure of 1.89 average persons per household for the 55+ population, however, I was unable to find this reference source when searching the USBLS website, nor was this listed in the References section of the EIR. Please include the specific reference source for this information and explain why a labor statistic would be the most appropriate source of data. In contrast, the CA Dept. of Finance lists 3.33 average persons per household for Riverbank. In addition, the US Census data (Census.gov) includes another source of data that may be appropriate to use for Riverbank, considering its majority Hispanic/Latino population base, which is 3.77 persons as the average family size. In contrast to the unknown source of data quoted at 1.89 average persons/household, the US Census data is not broken down by a total for 55+ persons, but instead is as follows: Age 55-59, average family size: 3.04; Age 60-64, average family size: 2.71; Age 65-74, average family size: 2.49; and Age 75+, average family size: 2.32. Again, please use appropriate data and explain why 1.89 persons per household is superior to the sources quoted herein, and the specific source of data should be included in the References listing.
72. Page 3.12-1 of the EIR discusses Police Services and correctly points out that GP Policy PUBLIC 8.2 sets a goal of 1.25 officers per 1,000 residents. Riverbank is under contract with the Stanislaus County Sheriff's Office to provide a service level well below that, or 0.85 officers/1,000 residents, yet their current "calculated" rate is only 0.72 officers/1,000 residents. While this is only 57.6% of what is required, or conversely, Riverbank is 42.4% short of meeting this requirement, the EIR excuses the shortfall by saying that "Riverbank has historically operated well below 1.25." The conclusion, then, seems to be that since the goal has never been met, that it's okay. This is unacceptable. Instead, the EIR should include a discussion about what specific steps will be taken to increase service levels in order to meet the requirement.
73. Page 3.12-4 of the EIR discusses Fire Services and correctly point out that GP Policy PUBLIC 7.5 sets a goal of meeting an ISO rating of at least Class 2. Riverbank's current ISO (Public Protection Classification) rating is lower than this at 3.0 and clarifies that to meet the higher rating, the Fire District "would need to increase staffing and expand their number of stations." The EIR should include a discussion about what specific steps will be taken to improve its rating to Class 2.0, but instead says only the following: "The General Plan recognizes the need for increased fire services for new development and sets forth policies* that support fire protection staffing, facilities, and minimum fire flow requirements." *'Policies' is misspelled as 'polices.'
74. With respect to having the appropriate level of fire protection services for the proposed Project as noted in No. 53 above, this is absolutely necessary considering that a serious fire occurred in this area in June of 2015. Specifically, a fire started along the Stanislaus River, just West of the McHenry bridge, which traveled East. It then crossed the bridge and continued to travel East into the property that is part of the proposed Project Area. The fire also traveled south and burned a home and several out buildings to the ground. An additional fire occurred more

recently in the Fall of 2022 in the McHenry Recreation Area along the Stanislaus River just north of the McHenry Bridge which burned a stand of trees. The point is: fires can occur in this area!

75. Pages 3.12-4 & 5 of the EIR discusses Parks and Recreation but does not state who will build and maintain the parks/open space areas, how they will be paid for or what the timing will be for when they are built. The EIR should include a thorough discussion of this and whether Home Owner's Association (HOA) fees or parcel taxes will be required for this, including the Clubhouse and its various amenities. This is particularly unclear as on Page 3.12-14 it says, "The City will maintain public services and facilities in the existing developed City (emphasis added)." With respect to the proposed "River Walk Trail," Page 2.0-31 of the EIR states that the Trail will be "publicly owned and maintained through a Community Facilities District or similar funding mechanism," so the implication is that all other parks/open space/buffers will not be publicly owned and operated. Please explain in detail for the totality of the parks/open space areas how they will be paid for and maintained/operated. In addition, please explain when the parks will be constructed. Will the first park be constructed at the same time the first village is built? And what assurances will there be for potential buyers that there will, in fact, be parks constructed at all?
76. Section 3.12 of the EIR which discusses Parks and Recreation, does not seem to mention GP Policy SAFE 1.7 which is the following: "City will require any (emphasis added) public facilities in the 100-year flood zones to be flood-proofed to a point at or above the base flood level elevation from the Stanislaus River." My understanding is that the parks and open space areas are planned to be built in the 100-year flood zones. Please explain how this Policy requirement will be met and whether it applies to any of the parks and recreation/open space facilities proposed for this Project, and if so, how the parks will be "flood proofed."
77. Pages 3.12-10 & 11 of the EIR discusses Schools and states that Sylvan Union School District collects Level 1 Developer Fees. There is no discussion, however, about possible school fee exemptions for Age 55+ communities like River Walk. Please explain and include a discussion about how age is no longer a predictor of whether children and/or young adults would be present in 55+ homes, particularly given the State's emphasis on ADUs as of late.
78. Page 3.12-13 of the EIR includes GP Policy "PUBLIC-9.2: The City will (emphasis added) circulate development application materials to the appropriate school district representatives in association with CEQA and project review and incorporate school district comments into City actions on such development projects." It is my understanding that the school districts were not notified of this Project and the Stanislaus Union School District noted this in their comment letter. Given that the City's GP Policy requires it, why was this not done?
79. Page 3.12-23 of the EIR discusses park acreage, and while the proposed total park acreage exceeds the minimum based on the formula used on Page 3.12-16, the EIR is unclear as to whether the individual parks will meet the minimum required size such as 5 acres for Neighborhood Parks, for example, and whether a park will be within ¼ miles of all residences. More discussion and clarification is needed in this regard because it is missing from the EIR.
80. Page 3.12-27 of the EIR indicates that the Clubhouse "is a private facility and would not be operated by the City." Who will build, pay for, and maintain/operate the Clubhouse? This same Page also mentions a Community Park near the Clubhouse but does not indicate who will maintain it. Who will build, pay for, and maintain it?
81. Page 3.13-25, Impact 3.13-4 of the EIR states that "Implementation of the Specific Plan would not result in inadequate emergency access (Less than Significant)." With the potential of nearly 3,000 homes and up to 875,000 sq ft of commercial space, having only 3 ways in and out of the

Project Area seems extremely limited. Shouldn't additional emergency access points be provided for? Will Hogue Road need to be improved for additional emergency access to the Project?

82. The EIR mentions 3 main entrance/exit locations for the Project, two of which intersect Patterson Road. The primary entrance/exit on Patterson Road would be the new Coffee Road extension. The secondary entrance/exit on Patterson Road is stated as an "existing road." What and where is this road as I have not been able to find it, and what is this road's name? The EIR simply describes it as "east of the MID canal" but it certainly is not visible as an existing, improved road. Please clarify.
83. Page 3.14-2 of the EIR states the following: "The existing Wastewater Treatment Plant (WWTP) is near capacity. The RWQCB has let the City know that future permits will require the WWTP be upgraded from a secondary treatment to a tertiary treatment facility. In addition, future development will require (emphasis added) that the plant be expanded." Please note that I submitted a Public Records Act request to the City on Feb. 28, 2024, asking for copies "of any/all RWQCB documents/letters/correspondence/notifications/emails, etc., that relate to them "letting the City know" that their WWTP is near capacity, that future City permits will require the WWTP to be upgraded, and that future City development will require the plant to be expanded." On March 7, 2024, I received the following response from the City Clerk, Gaby Hernandez, re: this request: "No responsive records. The City does not have in their possession any correspondence with the Regional Board as it relates to capacity or future permitting requirements." Given that the City has nothing in its possession from the RWQCB on these matters, how is it that "The RWQCB has let the City know" these things? Please provide the documentation on this matter, if it exists, and thoroughly correct any incorrect statements made in the EIR. In addition, many assumptions involving wastewater flows in the EIR have been based on this assumption and a "fuzzy" amount of "actual" and/or "remaining/available" WWTP capacity all of which may need to be re-done in the EIR and then recirculated.
84. Page 3.14-4 of the EIR states that the future flows of the WWTP are "based on population growth to 2050, rather than buildout, which is expected to occur well beyond the 30-year planning horizon." Other than on this Page, I was unable to find any discussion about the implementation timing of this project, nor its expected "life expectancy" for buildout. The City already received a huge expansion of its SOI in 2016 which was intended to cover growth needs to at least the year 2036 and only began issuing building permits within the past few years. The EIR needs to include a thorough discussion about the need for this project that is not currently and sufficiently covered by the City's existing SOI to justify the need for this Project.
85. Page 3.14-12 of the EIR states that "The ultimate strategy for the Specific Plan requires force mains to cross under the Stanislaus River from the Northeast Pump Station and travel approximately 1.4 miles to the WWTP.... The River crossing involves installing a 10" force main to serve the Specific Plan, and a 16" force main that can be used for future development in the City of Riverbank Sewer Sheds 2 and 3, which are located south of Patterson Road (emphasis added)." The Specific Plan does not extend south of Patterson Road so does this mean that there is not enough existing sewer infrastructure to accommodate the 2016 Crossroads West SOI expansion? Please include a thorough discussion of this, and whether the existing Sewer Master Plan for Riverbank (from the 2007-08 timeframe) identifies sufficient infrastructure for the 2016 SOI expansion, or conversely, whether the 2016 SOI expansion is now relying upon the River Walk Project for part of its needed sewer infrastructure.

86. Page 3.14-20 of the EIR indicates that for water usage estimates, the needs projection is based on the 1% population growth that was used in the 2020 Urban Water Management Plan which indicates a population of 30,549 for Riverbank in 2040. If one extrapolates this 1% growth to the year 2050, that results in a population of 33,680. In contrast, on Page 3.14-4 the 2050 population of 36,766 is used with respect to projected wastewater treatment flows. Why wouldn't the same population be used for both water and wastewater projections? And given that a higher figure was used for wastewater, is the need for 0.69 mgd (Page 3.14-18) overstated? Please clarify and discuss thoroughly.
87. Page 3.14-28 of the EIR states that "The water system ultimately requires a 2M gallon water tank." The City's existing storage capacity is 1M gallons. Why would the Project, which is only 1/3 again larger than Riverbank's existing size, require double its existing storage capacity? Please explain and discuss thoroughly.
88. Page 4.0-2 of the EIR uses the grossly over-inflated population projections from the 2005-2025 Riverbank GP to evaluate cumulative impacts, which differs significantly from the information quoted in No. 63, above. Please clarify why over-inflated and outdated population data is being used and why inconsistent population is being used.
89. Page 4.0-2 of the EIR states that in addition to using the (over-inflated) cumulative growth projections from the GP, "this EIR uses a list of probable future projects within the City of Riverbank to consider cumulative growth specifically in the Riverbank area." This "list of probable future projects" was "identified by City staff," however, it is significantly understated. Specifically, of the 9 projects that are listed, none of them are from the Crossroads West* development which began issuing building permits in 2022 and issued 140 building permits for single-family dwellings in 2023 (as per their March 2024 Housing Element Update). Please provide a comprehensive list of past, present and probable future projects producing related or cumulative impacts as required and as stated on Page 4.0-1. In addition, many projects are occurring just outside the City of Riverbank that could contribute to cumulative impacts, yet none outside the City are listed. Once this oversight is corrected and a comprehensive list is provided, the cumulative impacts of the Project will need to be re-evaluated and the EIR recirculated. *Crossroads West the majority portion of the 1,500 acre SOI expansion that was approved for Riverbank in 2016, 1/3 the area of which has already been annexed into the City. To have failed to include this as present and probable future projects producing related or cumulative impacts is a significant oversight and needs to be corrected.
90. Pages 4.0-16-18 of the EIR address Impact 4.13: "Cumulative Impacts Related to Degradation of Groundwater Supply or Recharge, and concludes that it is Less than Significant and Less than Cumulatively Considerable." While the Project has not demonstrated compliance with the Sustainable Groundwater Management Act (SGMA) – which it must, this section of the EIR goes through a high-level overview which concludes that since Riverbank is such a small percentage of the overall subbasin groundwater storage that the Project's impact would be insignificant. What's important in this section, however, is groundwater recharge. To that end, the following statements are made, some of which are confusing and potentially conflicting: "The proposed Project would result (emphasis added) in new impervious surfaces and could reduce rainwater infiltration and groundwater recharge.... And impervious surfaces such as pavement (emphasis added) significantly reduce infiltration capacity and increase surface water runoff.... Much of the groundwater recharge in the basin occurs from irrigation (emphasis added)Much of the Project Area would be maintained as pervious surface. Additionally, the front and back yard areas of the proposed residential uses could (emphasis added) maintain groundwater recharge

areas. While the proposed Project would reduce the amount of pervious surfaces within the Project Area, much of the Project Area would be converted to impervious surface. This would result in opportunities for groundwater recharge after the Project Area is fully developed.” The following are the confusing and potentially conflicting statements/points that need clarification: A) Given that the Project would result in new impervious surfaces, a comparison of the amount of current vs. proposed impervious surfaces should be included; B) Given that the Project could reduce rainwater infiltration and groundwater recharge, a comparison of the amount of current vs. proposed rainwater infiltration and groundwater recharge should be included; C) The EIR acknowledges that currently groundwater recharge primarily comes from irrigation, yet the document provides no comparison on what percentage currently comes from irrigation vs. how much will come from irrigation post-Project; D) Is the EIR suggesting that “front and back yard areas which would be watered” are the equivalent to the current irrigation of the site, saying that these areas “could maintain groundwater recharge areas?” Much more analysis and explanation on this topic is needed; E) The discussion in this section about maintaining pervious surfaces while at the same time reducing the amount of pervious surfaces and converting much of the Project Area to impervious is completely confusing and possibly contradictory as no comparisons of current vs. proposed amounts of these areas is included which is needed. This discussion should also clarify how impervious surfaces are “opportunities” for groundwater recharge; and F) Lastly, the statement that “This would result in opportunities for groundwater recharge after the Project Area is fully developed” also needs additional explanation/discussion. Does this mean that once buildout is achieved, in possibly 30(?) years, that then the Project Area might result in some groundwater recharge? Please clarify, and if that’s the case, much more analysis is needed to demonstrate compliance with SGMA and that no harmful impacts to the Modesto Subbasin Groundwater Sustainability Plan (GSP) result from the Project.

91. Page 4.0-17 of the EIR states the following: “However, this does not mean that the River Walk Specific Plan (RWSP) water wells will only supply the proposed RWSP project. There will be some flow from the Proposed Project wells that is distributed to the rest of the City System.” Why are new water wells needed when the West/Yost water analysis for the Project indicates that there is more than sufficient water for the existing City’s needs?
92. Page 4.0-18 of the EIR concludes the discussion about Impact 4.13 with the following statement: “For the reasons mentioned above, the GSP should ensure (emphasis added) that the cumulative impacts of the proposed Project, together with other past, present and probable future projects within the Modesto Subbasin, would not cause the substantial depletion of groundwater supplies or interfere substantially with groundwater recharge.” Is the EIR suggesting that it’s the GSP’s responsibility to ensure compliance with SGMA, including for this Proposed Project? This Project was proposed after the GSP was developed, adopted locally, and submitted to the State for possible approval, and as such, the Project must stand on its own merits and demonstrate SGMA compliance. Since this demonstration has not yet been made, the conclusion for this impact should be Potentially Significant. Please also see comments under separate cover regarding the Groundwater Sustainability Plan and SGMA.
93. Page 4.0-22 of the EIR again references the over-inflated population increases found in the 2005-2025 GP which is different than estimates used for Utility Services. Why the inconsistency?
94. Page 4.0-22 of the EIR states the following: “Under the proposed land use changes, the Specific Plan Area would allow for 5,607 residential units at maximum density (emphasis added).” Where is this significantly higher density coming from, as the rest of the EIR discusses a dwelling

unit range of 2,432 – 2,682, and what analysis of this more than double density impact has been done? What would the breakdown of age- and non-age restricted units be within this maximum density is just one question, and is this what the Project could ultimately become, regardless of what has been presented in the EIR? Significant additional analysis is warranted here and it is insufficient to simply say “Based on the design concept, which involves a ‘reshuffling’ of the residential land uses within the Specific Plan Area, the maximum residential unit count is higher from what would be allowed under the existing General Plan.” Is this what the “flexible design” is that the Project allows itself? Please explain in detail.

95. Pages 4.0-27 & 28 of the EIR discuss Impact 4.19 as follows: “Under Cumulative conditions, the proposed Project would conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) (Significant and Unavoidable and Cumulatively Considerable) (emphasis added).” Specifically, the Project must demonstrate that it will meet the requirement for generating a Vehicle Miles Traveled (VMT) per capita rate of 15% below the current area average. The Project, however, is unable to make this demonstration because the City of Riverbank has not yet adopted guidelines or policies for dealing with VMT, therefore, this Impact is Cumulatively Considerable “Due to the size of the Project” (Page 4.0-28). This Project is too large, and in fact, it is 5 times greater than the threshold established in Riverbank’s 2014 General Plan Amendment which says Specific Plans “should be approximately 200 acres.”
96. Pages 4.0-30 & 31 of the EIR discuss Impact 4.21 as follows: “Cumulative Impact on Wastewater Utilities (Significant and Unavoidable and Cumulatively Considerable).” The discussion states that increased capacity at the WWTP is needed for the Project, but then goes on to say the following: “The WWTP upgrades, if built (emphasis added)” will add just enough capacity to provide what the Project requires at buildout. The discussion further says that, “The first 5-10 years of construction phases may be (emphasis added) adequately served by the WWTP upgrades that add 0.69 mgd; however, it may be necessary for additional WWTP upgrades based on other development that occurs throughout the City (emphasis added). Overall, the Specific Plan’s capacity needs may exceed the wastewater discharge requirement from the wastewater treatment provider, which will depend on future project demands and WWTP upgrade implementation (emphasis added).” Finally, the discussion includes the following admission: “This is a potentially significant impact, however, mitigation that limits construction to only those units that have secured capacity would ensure that there is not an exceedance of the sewer capacity:” yet it concludes that “with implementation of the mitigation presented in this document,” the proposed Project would have a Less than Significant Cumulative Impact. Considering that Riverbank’s Sewer Master Plan dates back to the 2007-08 timeframe which may not have adequately planned for buildout of the existing Crossroads West development, the uncertainty of statements like “The WWTP upgrades, ‘if built’ and “the Specific Plan’s capacity needs may exceed the wastewater discharge requirement,” it seems inappropriate to draw a conclusion of ‘Less than Significant Cumulative Impact’ when so much of this is “iffy.” In addition, it seems inappropriate to consider approving such a large Project by essentially saying, (but we’ll only build) “those units that have secured capacity.” Rather, the capacity should be secure for the entire Project in order to be approvable.
97. Page 4.0-31 of the EIR: Were the WWTP capacity needs calculations (0.64 mgd vs. a possible increase of 0.69 mgd if upgrades are made) based on 2,400-2,700 homes as described in the Project, or the maximum density of 5,607 homes as stated on Page 4.0-22? If the capacity needs calculations were done based on the lower dwelling unit numbers, shouldn’t they have been done based on the maximum possible density? Please clarify and discuss thoroughly.

98. Page 4.0-33 of the EIR states the following: "The proposed Project would convert actively cultivated agricultural land to urban use" which is correct. Please correct the many, many places in the EIR where the land is referred to as "fallow" including on Page 5.0-6.
99. Page 5.0-8 of the EIR with respect to the "No Reserve Alternative" states that "the Reserve Area would be removed from the Project Area." Please clarify whether the Reserve Area shown on Figure 5.0-4, which is the No Reserve Alternative, is correct as it seems to conflict with the referenced statement on Page 5.0-8.
100. Section 5.0 of the EIR with respect to Alternatives to the proposed Project, there is no discussion about placing the Project within the City's existing available Sphere of Influence where there is sufficient area? This seems to be a significant oversight, and once again, the need for a SOI increase and this Project has not been demonstrated.
101. Page 5.0-35 of the EIR states that the No Reserve Alternative to the proposed Project "would conflict with the City's desire that has been expressed." What "desire" has the City expressed? Was it to increase its SOI by 1,500 acres in order to approve this Project? Does this imply that the City has pre-determined that it will approve the Project, prior to it's having gone through the environmental review and public processes? If so, this would seem consistent with the fact that the City, upon learning of this Project when the project application documents were originally submitted back in 2019, immediately added the goal of "Implementing River Walk" to its Strategic Plan. This was 2 years before the public knew there was a project and 5 years before the Draft EIR was released. The Strategic Plan was updated in 2021 and "Complete/Implement River Walk" remains in the document (please see Enclosures, below). This is not at all transparent is inappropriate, particularly since the City has maintained the position of River Walk not being a City project; rather, they are just the Lead Agency.
102. General Comment: On March 26, 2024, the City of Riverbank approved the following Agenda Item No. 9.5: "A Resolution Approving the River Cove River Access Closure Plan and Implementing the Plan Permanently" (Please see the attached enclosure). Specifically, River Cove is a housing development that borders the Stanislaus River (on the South bank of the River, east of the Project site). In 2020, the residents of River Cove began complaining to the City about nuisance issues including the following: increased traffic, litter, destruction of natural habitat, and illegal activities associated with the large numbers of visitors accessing the River" in their area. To resolve the situation, the City temporarily closed the River access in 2021. On March 26, 2024, the City made the closure permanent. Access to the South bank of the River in the proposed Project area is virtually non-existent currently. Implementation of the Project, however, would make access wide open. The same problem as occurred in River Cove would be multiplied many times over should the Project be approved. The No Project Alternative is the only acceptable conclusion.
103. General Comment: There has been a serious lack of transparency in this proposed Project from the onset. Specifically, the City has been aware of this Project since it received the Application in 2019 and biological field surveys began in 2019 as well (as noted on Page 3.4-1 of the EIR). The public, however, was not aware of the Project until reading about it on the front page of the local newspaper, the Modesto Bee, June 1st of 2021, when the Notice of Preparation (NOP) was released. Property owners that would be impacted by the Project received no notification of the NOP, even though their parcels were listed in the NOP. Only a single neighborhood meeting was held for those who lived in my area, and others who lived in the Park Ridge/River Heights area were not allowed to attend "our" meeting, nor were we made aware of "their" separate meeting that was held. This lack of transparency is unacceptable,

however, it seems consistent with one of the changes the City made to its General Plan in 2014 via an Amendment, as follows: Exhibit A identifies the changes made in the Amendment including striking the following language: "~~All property owners in a specific plan are encouraged to participate on equal footing in the specific planning process.~~" So, it would appear that at one time Riverbank intended to be inclusive and transparent, however, with the striking of this language that is no longer the case. Please also refer to a discussion about the City's 2014 General Plan Amendment under separate cover.

104. General Comment: On May 30, 2015, the Lower Stanislaus Low Impact Development (LID) Alternative Compliance Plan was prepared for the City of Riverbank by AECOM. On Page 4 of the Introduction of this LID Plan, the following statement is made: "LID designs and strategies seek to provide solutions to urban stormwater management by mimicking nature. They assist in mitigating the harmful effects of impervious development (roads, sidewalks, parking lots, rooftops and other impervious surfaces) on water quality (emphasis added)." Please see Comment No. 75, above, and thoroughly explain in the EIR how the 'harmful effects of impervious development' brought about by the Project are being fully mitigated. In addition, please explain why this LID Plan that was prepared specifically for the City of Riverbank is not listed in the References section of the EIR, and why it was not considered and evaluated with respect to Alternatives to the proposed Project (please see LID Plan except, below).
105. General Comment: At the Riverbank City Council meeting on February 27, 2024, the Council voted to have Volume I of the Draft EIR translated into Spanish given that Riverbank's population is 55% Hispanic/Latino as per the most recent Census data. Volume II of the EIR, which includes the Appendices to the EIR, was not translated into Spanish. Why was Volume II not also translated into Spanish so that Hispanic/Latino reviewers could have an equal opportunity to fully review the proposed Project and all of its components? This seems short-sighted from an environmental justice standpoint. At the February 27, 2024, City Council meeting, I personally spoke to the agenda item regarding translating the Project documents into Spanish and requested clarification of whether Volume II of the EIR would also be translated into Spanish. My question was not addressed. In addition, I emailed the City Manager, Marisela Garcia, on March 29, 2024, asking whether Volume II of the EIR would be translated into Spanish and never received a response. This is poor customer service to say the least.
106. General Comment: The EIR contains no discussion about climate change, its uncertainties and projected climatic variations, and its possible impact on rainfall and flows in the Stanislaus River. It also assumes only "design" releases of 8,000 cfs under flood control conditions from New Melones Dam and then concludes that since the USACE has identified the "local interest project levees" as "adequate to contain this design capacity" that there is no risk to the Project Area (Page 3.9-13). During a flood event, the water in the river channel is not limited to what is released from New Melones. The EIR needs to fully discuss these issues and how it relates to the proposed Project, so that reviewers can fully understand the potential flood risk within the Project Area.
107. General Comment: The City of Riverbank General Plan Policy AIR-1.4 (AIR = Air Quality) states the following: "Schools shall be located, designed and the surrounding area planned to ensure (emphasis added) that students can safely and conveniently walk or bicycle to school from their homes." There are no schools planned within the River Walk area, even though many homes will not be age-restricted, and for those that are, Accessory Dwelling Units may be allowed which commonly tend to house second families including school-aged children. Why was this General Plan Policy, which is one of the City's methods for reducing air quality impacts,

not mentioned in the EIR? Could it be because the Project is trying to circumvent the schools issue by calling this an age-restricted project? It should be noted that I personally asked Donna Kenney, the former Planning Director, this question and she confirmed that, "Yes, it's being proposed as a senior project to avoid the previous objections from the local school districts." It stands to reason here, that Riverbank (and the Project) are not following their own General Plan Policies because students – and there will be students - will be required to be bussed to school if not driven individually. Here again, this Project as proposed is inconsistent with the City's own General Plan Policy.

108. General Comment: The City of Riverbank's General Plan Policy AIR-1.5 states the following: "The City will not (emphasis added) allow arterial-focused, auto-oriented commercial development within new and existing neighborhoods. Auto-oriented land uses include volume discount stores..." Wouldn't the new COSTCO store that plans to open in June 2024 in Riverbank be an 'auto-oriented discount store?' Here again, it appears that Riverbank does not follow their own General Plan policies.
109. General Comment: The City of Riverbank's General Plan Implementation Strategy for reducing air quality emissions, AIR-2, states that the City will develop a Greenhouse Gas Reduction Plan yet this is not mentioned in the EIR. Did the City develop a Greenhouse Gas Reduction Plan, and if so, is the City in compliance with its own Plan? This is not discussed in the EIR and should be.
110. General Comment: the Government Code, Section 65454, states that a Specific Plan, like River Walk, must be (emphasis added) consistent with the (Riverbank) General Plan. There are numerous instances pointed out in this comment letter herein, where General Plan consistency does not exist. On this basis alone, the Project cannot be approved.
111. General Comment: The State Water Resources Control Board (SWRCB) letter dated March 14, 2024, for the proposed Project contained significant comments including that SWRCB, Division of Drinking Water, was not listed/included in the EIR as a Responsible and Trustee Agency and also identified much missing information. Similarly, the Modesto Irrigation District letter dated March 18, 2024, for the proposed Project also contained significant comments. A lack of significant and sufficient information in the EIR warrants that it be revised so as to include this missing information and then recirculated so that reviewers have the "full picture" of what's being proposed.
112. March 2024 Traffic Study Comment: Page 8 discusses "two unsignalized intersections" on McHenry Avenue, but fails to mention that there is also one north of Patterson Road (Hogue Road).
113. March 2024 Traffic Study Comment: Page 16 discusses current traffic operational conditions and states that three (3) segments already operate with unacceptable levels of service, as follows: a) the 2-lane section of McHenry Avenue north of Kiernan; b) Ladd Road from Stoddard to McHenry Avenue; and c) Patterson Rd west of Riverbank from McHenry Avenue to Hot Springs Lane. This information is depicted in Table 6 which identifies that there are 10 locations on these 3 road segments that have unacceptable current levels of service, with some of the exceedances being as high as double and triple the standards. This is already unacceptable without the proposed Project. If the Project is approved, the traffic conditions at these 10 locations will be worsened yet the Project does not address them all. Do these other locations just become Stanislaus County's (someone else's) problem?
114. March 2024 Traffic Study Comment: Page 17 discusses intersection levels of service and states that two (2) sections currently do not meet the minimum level of service standard as

follows: a) McHenry Avenue at Crawford Road; and b) Patterson Road at Coffee Road. While Riverbank has the Patterson/Coffee intersection in its “traffic impacts fee program,” there is no indication of when this improvement might occur. With respect to the McHenry Avenue/Crawford Road intersection, there are no improvements planned. When might the Patterson/Coffee improvements be made and how and when will the McHenry/Crawford intersection be addressed? Is the latter simply the County’s problem?

115. March 2024 Traffic Study Comment: Page 35 mentions the City of “Livingston.” Is this a typo?
116. March 2024 Traffic Study Comment: Table 11 lists two planned road improvement projects with one of them being “McHenry/Ladd to San Joaquin County.” Why is the McHenry/Ladd to San Joaquin County project listed when it was completed a year and a half ago? Shouldn’t this be deleted from Table 11?
117. March 2024 Traffic Study Comment: Table 15 depicts the short-term trip distribution assumptions for the proposed Project, including that “the primary travel directions for both residential and non-residential uses are to the south and west.” This is confusing because the Table estimates that 15% of the residential trips and 14% of the non-residential trips (which is the 3rd highest category listed in the Table) are associated with northbound travel. Please clarify. Also confusing is the northbound route for McHenry Avenue because it’s listed as “beyond Claribel.” Should this be “beyond Patterson Road?” Please clarify. Lastly, the southbound route for McHenry Avenue is listed as “beyond Claribel” as well. Should this be “beyond Patterson Road” as well? Please clarify.
118. March 2024 Traffic Study Comment: Page 42 states that the proposed Project “could result in about 37,150 new daily trips..., with 1,646 new trips generated in the a.m. peak hour and 3,604 new trips occurring in the p.m. peak hour,” yet Table 14 shows 3,304 new trips occurring in the p.m. peak hour. Is it 3,604 or 3,304 p.m. peak hour trips?
119. March 2024 Traffic Study Comment: Tables 13 & 14 on Pages 43 & 44 do not “sync” up with each other and it seems that they should. For example: Table 13 includes ITE Code 220 for High Density Residential/Mixed Use (MU) Residential Multi-Family yet Table 14 does not include Code 220. Is this supposed to be missing from Table 14? Another example is that Table 13 lists MU Retail – (5) as “820 average.” Does this mean an average of 820 square feet in size, and how does this correlate to Table 14 which lists “MU-5 at 110 ksf” (or 110,000 sq feet)? Please clarify as these are not the only examples of how Table 13 & 14 do not correlate, and if there are errors, how does this impact the trip generation forecasts for the Project?
120. March 2024 Traffic Study Comment: Page 54, Table 16 appears to have a typo as the last land use shown states, “no-residential” which likely should be “non-residential.” Please clarify.
121. March 2024 Traffic Study Comment: Page 55 discusses residential vehicle miles traveled (VMT) and states that the VMT “characteristics of age-restricted residences are lower than those of conventional dwellings...”. Table 17 depicts VMT figures that were used for dwellings that are age-restricted and those not restricted, however, the “flexible design” that this Project calls for, and the fact that Accessory Dwelling Units are now encouraged by the State, may significantly impact the number of persons/dwelling, and therefore, the VMT. Please refer to Comment #25 and others. Please also see Comment #93, above, which speaks to a higher density of 5,607 dwelling units that is mentioned in Chapter 4.0 of the EIR. How will this higher density impact the VMT for the Project?
122. March 2024 Traffic Study Comment: Pages 56-61 discuss the traffic impacts associated with the proposed Project. Six (6) impacts were identified and all are Significant and

Unavoidable, as follows: a VMT impact due to the Project residences (because it cannot be demonstrated that the Project will generate a per capita rate that is 15% below the current area average), a VMT impact due to the Project's non-residential usage (because the Project would exceed the required no net increase in regional VMT), a pedestrian safety issue (due to increased pedestrian activity on Patterson Road and the speed of vehicles in this area), needed intersection improvements at McHenry/Ladd/Patterson (because they are only "generically" identified in Riverbank's traffic impact fee program and there is no guarantee that Caltrans will permit their construction), a needed turn lane at Patterson/Skittone that cannot be guaranteed (ditto, regarding Caltrans), and a net increase in cumulative regional VMT (because the suggested mitigation measures only "may" or "could" reduce VMT's but there is no assurance of same, and because they "are considered generally feasible" as they have (only) been "found to be effective in peer-reviewed academic studies," but the "precise effectiveness of a given VMT reduction strategy is difficult to accurately measure"). How can this Project be approved when all 6 Traffic impacts are Significant and Unavoidable?

123. March 2024 Traffic Study Comment: Page 59 may contain a typo as follows: "...and there is no guarantee than Caltrans will permit their construction." "Than" probably should be "that."
124. March 2024 Traffic Study Comment: Page 61 states the following regarding cumulative transportation CEQA impacts: "This reduction would be expected to result as additional development occurs in the Modesto-Riverbank areas of northern Stanislaus County." The City of Modesto's current Sphere of Influence ends at Kiernan Avenue and any conversion of ag land to residential development in Stanislaus County must be approved by the voters, so why is the assumption made that additional development will occur in the Modesto-Riverbank areas of northern Stanislaus County? Please clarify/justify this statement.
125. March 2024 Traffic Study Comment: This study was posted 2 ½ months after the EIR was posted and is a document that should have informed the EIR. How can the EIR be considered adequate when the Traffic Study wasn't completed until after the EIR?
126. Appendices: In the Appendices it includes information on Natural Gas Emissions, listing total mitigated CO₂e emissions at 2,752. Is this consistent with the earlier statement about "no hearths" which could include natural gas stoves? Please clarify.
127. The Executive Summary (ES) of the EIR and the March 2024 Traffic Study do not mesh. Specifically, the ES lists a total of 3 Significant and Unavoidable (SU) Traffic/Circulation Impacts, while the Traffic Study lists 6. This is in part due to Mitigation Measures, 13.3-3 and 4 being lumped together as one SU Impact when they are distinctly separate: the need for a left turn lane at Skittone Road and the need for intersection improvements (plural) at McHenry/Ladd/Patterson, which needs to be corrected/depicted accurately. The other discrepancy seems to be the lack of mention of Impacts T-1 and 2 which are: the inability to demonstrate that the Project will generate a per capita VMT rate that is 15% below the current area average, and that the Project would exceed the required no net increase in regional VMT (please see Comment #119, above). The Executive Summary needs to be revised to accurately reflect all SU Impacts. This error may be due to the Traffic Study being completed after the EIR (see comment #124, above).
128. The SJ Valley APCD will be revising its PM 2.5 Plan for the 2012 Annual PM 2.5 Standard which will be considered by their Governing Board at the June 2024 meeting. Will this have any impact on the analyses that were done for the Project EIR? Please clarify.
129. Significant and Unavoidable Impacts: with the inclusion of all 6 of the SU Impacts related to traffic, the proposed Project appears to have a total of 17 SU Impacts, as follows: 6 due to

Traffic/Circulation, 1 due to Scenic Vistas, 1 due to Ag Land Conversion, 2 due to Greenhouse Gas Emissions which could place the SJVAPCD in non-attainment, 3 due to Noise, 1 due to Parks and 3 due to Utilities. This is an extremely large number of SU Impacts which will require that Riverbank make statements of Overriding Considerations in order to approve the Project. In addition, there would be a permanent loss of Swainson's Hawk habitat which is an indirect impact. The need for this Project has not been demonstrated and the No Project Alternative is the only one that makes sense.

130. Of the Significant and Unavoidable Impacts listed in Comments 123 & 124 above, 11 of them are also considered Cumulatively Considerable and SU, as follows: Stormwater, Public Services, CEQA Guidelines conflict(s), Traffic/Circulation on 2 counts, Wastewater, Water, Greenhouse Gas, Noise, Visual Aesthetics and Agricultural Resources. Again, the need for this Project has not been demonstrated and the No Project Alternative is the only one that makes sense.
131. General Comment: At the April 26, 2024, meeting of the Central Valley Flood Protection Board meeting in Sacramento, I spoke during Public Comment about the proposed River Walk Project. Specifically, a portion of my comments included that the Project would create "a head-on collision" with the charge of their Board: flood protection. Consistent with California Water Code Section 8609, the Flood Protection Board's (Board) objective is to rely on historical flooding patterns and "protect all lands currently and historically drained" which includes some regulatory oversight of the Project area. While the Board is not a land-use regulatory body, its regional mandate for flood risk management should not be compromised by localized political pressures which are clearly in play with respect to the proposed Project. In fact, the California Water Resilience Portfolio/State Policy of 2020 advocates for long-term planning which could include an expansion of designated floodways, consistent with Safeguarding California Plan Principle No. 1, which could impact the Project Area. The EIR should include a discussion of these matters.
132. General Comment: if the proposed Project is approved, there would ultimately be no separation of communities any longer, between Riverbank and Del Rio; an unincorporated community within the County. The Del Rio area has its own Community Plan which the EIR fails to mention or discuss. When this plan was prepared and adopted many years ago to direct future growth, I co-authored the Plan so I am personally aware of its existence and it is also posted on the County's website. Why was this important document not considered? And was any input for the proposed Project sought from the Del Rio community? If not, it certainly should have been, and since the Project has "been in the works" for the past 5 years, there was ample opportunity to do so. This is a significant oversight.
133. General Comment regarding the FEMA Flood Insurance Rate Maps (FIRM) for the Project area which have been provided under separate cover: I see no inclusion within the EIR that the "Notes to Users" on the FIRM maps were discussed. These "Notes" include, in part, the following: "This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information. To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or floodways have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies the FIRM... Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction

with the FIRM for purposes of construction and/or floodplain management.” The FIRM goes on to include the following: “WARNING: This map contains levees, dikes, or other structures that have been provisionally accredited and mapped as providing protection from the 1-percent-annual-chance flood. To maintain accreditation, the levee owner or community is required to submit documentation necessary to comply with 44 CFR Section 65.10 by the date shown on the map panel. Because of the risk of overtopping or failure of the structure, communities should take proper precautions to protect lives and minimize damages in these areas, such as issuing an evacuation plan and encouraging property owners to purchase flood insurance.” The date shown on the Map Panel is September 26, 2008. Please explain why this information was not included in the EIR and whether the levee owner or the City of Riverbank has “maintained accreditation” – or conversely, if accreditation exists for the levee.

134. Final Comment: If this proposed Project is approved at the local level, meaning by the City of Riverbank, before it could proceed to LAFCO for a Sphere of Influence increase, a new Municipal Services Review must be completed, including new Master Plans for City Services as the existing Master Plans are significantly outdated (refer to Page 2.0-32 of the EIR).

After the review of the River Walk Specific Plan Draft 1-31-24, the River Walk Specific Plan Draft EIR Volumes 1 and 2, and the March 2024 Traffic Study, I have serious concerns regarding the lack of completeness of the information provided in these documents, the lack of compliance with other governmental agencies with overlapping jurisdiction with the City of Riverbank, and the lack of adherence to sound land use management practices that prevent detrimental impacts to current and future residents, as well as the surrounding area. In fact, the EIR comes across as mostly broad, it lacks specificity, and there are so many shortcomings and entirely missing elements, that they are too numerous to mention (please see also several other letters under separate cover that I have submitted).

For these reasons, there is not sufficient basis for proceeding with the proposed certification of the EIR and subsequent SOI expansion request to LAFCO. Instead, the EIR needs to be rewritten/revised and recirculated due to the substantial additional work and rewrite that is necessary for it to be comprehensive. Should this matter come before LAFCO, however, the Commission should be reminded of their purpose as stated in Section 56301 as follows: "Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, encouraging the efficient provision of government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances." Approving this Project would be completely counter to these purposes as stated by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.



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Enclosures: March 2024 Update to the City Council on the Riverbank Strategic Plan
Senior Communities Laws
Hand-Colored Map, Figure 2.0-3 Assessor's Parcel Map
2007 Sewer Collection Master Plan Figure 2-1
March 26, 2024, Riverbank City Council Agenda Item regarding River Cove
Excerpt from the Lower Stanislaus Low Impact Development (LID) Alternative/
Compliance Plan for the City of Riverbank, May 30, 2015

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.2

SECTION 11: NEW BUSINESS

Meeting Date:	March 26, 2023
Subject:	Strategic Plan Progress Report and Feedback for Future Strategic Planning Sessions
From:	Marisela H. Garcia, City Manager

RECOMMENDATION

It is recommended that the City Council receive a progress report on the status of the 2022 – 2027 Strategic Plan and provide feedback to staff regarding future strategic planning sessions.

SUMMARY

In August 2021 the City Council and City Staff met to discuss new objectives to achieve the City's Strategic Plan Goals. The Strategic Plan delineates the objectives set forth for the time period of 2022-2027. Tonight's presentation is a progress report on the established objectives and a request for feedback on future strategic planning sessions.

BACKGROUND

In February 2013 the City Council and Management staff held its first Strategic Planning Session. The intent was to develop a Strategic Plan that would allow the City to focus its limited resources on accomplishing key goals. Initial Strategic Planning sessions were a collaboration between Council and staff and included the development of measurable objectives established for a six-month planning period. The objectives identified the responsible departments that would oversee the objective as well as an estimated time for completion. These sessions were focused on short-term goals that could be achieved during that six-month period.

In February 2019 the City Council took a different approach to Strategic Planning. Realizing the importance of long-term planning, Council developed a five-year Strategic Plan running from 2020-2025. An update was conducted in 2021 to this plan which now runs from 2022-2027. In contrast to the previous plan, the new five-year Strategic Plan identified long-term goals but did not provide estimated times for completion of each objective or a method to prioritize each of the objectives to ensure that Council and staff could allocate their time and resources in an effective manner.

Research feasibility of a new City Hall to accommodate current and future needs.

Exploring re-use of existing city locations.

GOAL: PROMOTE SUSTAINABLE DEVELOPMENT

Objective

Status

Update the City's General Plan and Zoning Code

RFP to be issued next year for a review/update of the 2005-2025 General Plan.

Work with LAFCO to update the City's Sphere of Influence.

Will review should the Riverwalk Specific Plan move forward or as part of a boundary change for North County Corridor.

Follow North County Corridor project impacts on Riverbank.

Meetings held with developers and Army regarding Oakdale/Claribel intersection upgrades and Claus Road intersection. Hosted community meeting for residents.

Housing Element Update

Consider exploring dual-use housing for farmworkers during growing season and homeless off-season.

Contract awarded to JB Anderson Land Use Planning on 9/12/23. Update provided at the 3/12 meeting.

Inclusion of an Environmental Justice Element

Civic Spark Fellow provided the groundwork for this item to be considered during the next review/update of the General Plan. Planning Intern continued to work on this item.

Complete/implement High Value Specific Plans including:

1. Eastside Industrial Specific Plan
2. Riverwalk Specific Plan
3. The Cannery Site

To be reviewed with Master Developer. DEIR out for public comment period. DA in review.

Develop Regional Storm Water Plan

To be reviewed.

Continue to Develop Regional Waste Resources/Treatment Plant and identify funding for project completion.

In progress. Awaiting response from FEMA BRIC Program for potential funding and initiating application for potential WIFIA (US EPA) funding.

Incentivize programs for saving electricity, water, and other essential resources.

Turf replacement program initiated in July 2022.

guidelines regarding general plans, topics from different elements may be combined, but all must be addressed within the general plan. Please refer to the Governor's Office of Planning and Research General Plan Guidelines for more information. The General Plan will be implemented through a combination of private and public actions.

SPECIFIC PLANS

The City will consider specific plans to implement General Plan policy in new growth areas. The City will consider development proposals and will make investments in existing developed portions of Riverbank. City decision makers will use the policies included throughout this General Plan as a decision making guide for a wide range discretionary actions.

IMPLEMENTATION

The General Plan also includes implementation strategies, which are proactive measures the City will undertake to assist in achieving the General Plan's vision and goals.

GENERAL PLAN AMENDMENTS

As the City of Riverbank uses its General Plan, there may be need to amend sections or elements of the plan document. Riverbank is limited in how many times it may amend any one of the mandatory general plan elements annually. An amendment may include more than one change to the general plan. In some cases, a government may group together several proposals to be considered in one amendment. Amendments can be adopted by the governing agency, with the mandated process outlined in Section 65350, et seq., or by initiative or referendum. Any amendment must conform to all the requirements of planning law, including consistency requirements. Amendments are subject to compliance with CEQA.

When the Planning Commission and City Council are considering a proposed General Plan amendment, at a ✓ minimum, the answers to the following questions (plus additional considerations as conditions warrant) will determine the City's action: Is the proposed amendment in the public interest? Is the proposed amendment consistent and compatible with the goals and the vast majority of policies of the General Plan? Have the potential effects of the proposed amendment been evaluated and determined not to be detrimental overall to the public health, safety, or welfare? Has the proposed amendment been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act? The City must ✓ make positive findings in each of these cases to pursue a General Plan amendment.

Riverbank in 2025 has a small-town character where residents can live, work, and play locally. The City has a thriving downtown that offers a variety of retail opportunities and services and functions as the social and cultural heart of the community. Riverbank has a healthy and diversified industrial base served by its railroad, safe and walkable/bikable neighborhoods, and a wide range of employment and housing opportunities for its diverse population. Although we welcome automobiles, Riverbank is a place for PEOPLE. Those who choose not to drive can easily and safely walk, bicycle, or use public transit to get to work, school, shopping, or a local park. Riverbankers' strong sense of community identity is reflected in its public gathering places and activities, architectural variety, and the ways in which the City's riverfront location, railroad-oriented history, agricultural heritage, and other unique qualities are celebrated in the built environment. Riverbank in 2025 has succeeded in creating a BALANCE between housing and jobs for its residents, commerce and industries that support the local economy, and the protection of agriculture and natural resources.

The Vision was used to create Guiding Principles. These principles have helped guide development of the 2008 General Plan:

Small-Town Character: Riverbank in 2025 will be a pleasant, quiet, friendly community with a distinct small-town character.

1. Public spaces in Riverbank where people can meet and interact with friends and neighbors are essential to our community.
2. Our neighborhoods are best served by attractive, safe, tree-lined, pedestrian-friendly streetscapes.
3. Our children should be able to safely walk or bike to school.
4. Downtown should be the social and cultural heart of our community, and must not be left behind as the City grows.
5. Small, locally-owned businesses are an important part of the unique character of Riverbank and essential to a healthy local economy.
6. Our streets and public spaces should be designed with people in mind, not only for the convenience of cars.
7. Commercial corridors, such as Patterson Road, should be attractive, unique, pedestrian-friendly centers of commerce to enhance the City's character.

8. Our City can grow without being overcome by traffic, noise, air quality, or other impacts that would sacrifice the small-town character.

Community Identity: In 2025, Riverbank's unique qualities will be enhanced through a balance between the built environment, the natural environment, and the working agricultural landscape.

9. The Stanislaus River is a wonderful community asset, the natural beauty and function of which we should protect as we increase public access to the River and its views.
10. Agriculture is important to our history, economy, and culture. Riverbank should remain an agricultural center for the region. We should conserve agricultural lands, nurture industries that rely on agriculture, market local agricultural goods, and increase the productivity of local agriculture through research and development.
11. Riverbank's historic roots in agriculture, the railroad, and the River, should be recognized, celebrated, and respected as we create the City's future.
12. Downtown should remain a walkable, pedestrian-scaled commercial center that best reflects our community's unique identity and our desire to maintain our small town image.
13. Riverbank should preserve open green spaces around the City to maintain a distinct identity and create buffers between urban and agricultural uses of land.

Choice and Diversity: In 2025, Riverbank will enjoy a variety of entertainment opportunities, retail and commercial services, housing types, job opportunities, and activity destinations that are easily accessible by car, transit, on foot, or bicycle. Choices and opportunities will be available to the greatest extent possible regardless of the physical or developmental abilities, needs, preferences, backgrounds, and incomes of our residents.

14. We value the opportunities to live, shop, work, and recreate locally if we choose.
15. We will design our community so that people can walk, bicycle, or use public transit if they choose not to drive.
16. Existing and future residents should have local housing choices that best meet their needs.
17. The City is, and will be, home to all generations. Riverbank is a community where children can grow, raise families, and stay in the community as they age.



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Abbreviations

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unit

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ADU

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Airbnb rentals

Airport noise

Alcohol

Alternative dispute
resolution

Aluminum wiring

Amendments

Amenities

American flag

Animals

Annual budget

SENIOR COMMUNITY LAWS

Federal Law. The Federal Fair Housing Act prohibits discrimination based on family status, meaning an association's CC&Rs cannot exclude children. However, Congress made an exception for senior communities when it enacted the "Housing for Older Persons Act of 1995" (HOPA). To qualify as a senior community, associations must satisfy the following requirements:

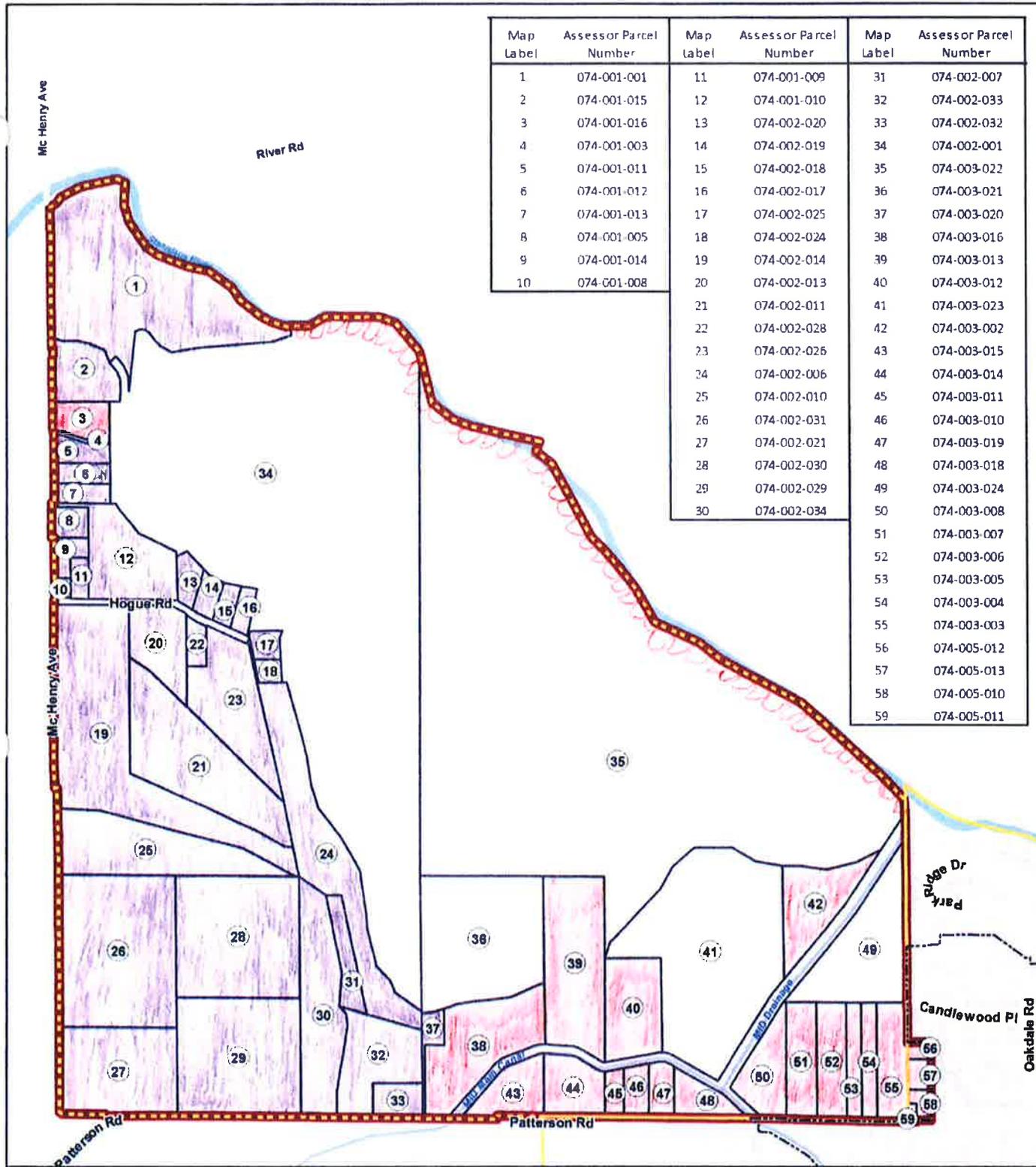
- At least 80% of the occupied units must be occupied by at least one person 55 years of age or older. [Communities can, if they so choose, require that 100% of the units have at least one occupant who is 55 years of age or older.];
- Publish and follow policies that demonstrate an intent by the association to provide housing for persons 55 years of age or older; and
- Comply with age verification procedures designed to ensure compliance with 55+ requirements.

Residential communities that have continuously operated as a senior community can qualify as a 55+ community by showing that it satisfies the criteria described above. (*Balvage v. Ryderwood.*)

State Law. California made similar accommodations for senior communities in the Unruh Act. To qualify as a senior community, CC&Rs must state that at least one person in the dwelling must be a senior citizen, i.e, a qualified permanent resident (55 years of age or older or 62 years of age or older depending on the category of the senior community) and that each other resident in the same dwelling must be a qualified permanent resident.

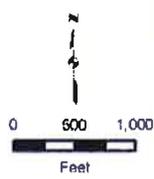
A "qualified permanent resident" is defined as someone who is residing with the qualifying resident in a senior citizen community is 45 years of age or

Map Label	Assessor Parcel Number	Map Label	Assessor Parcel Number	Map Label	Assessor Parcel Number
1	074-001-001	11	074-001-009	31	074-002-007
2	074-001-015	12	074-001-010	32	074-002-033
3	074-001-016	13	074-002-020	33	074-002-032
4	074-001-003	14	074-002-019	34	074-002-001
5	074-001-011	15	074-002-018	35	074-003-022
6	074-001-012	16	074-002-017	36	074-003-021
7	074-001-013	17	074-002-025	37	074-003-020
8	074-001-005	18	074-002-024	38	074-003-016
9	074-001-014	19	074-002-014	39	074-003-013
10	074-001-008	20	074-002-013	40	074-003-012
		21	074-002-011	41	074-003-023
		22	074-002-028	42	074-003-002
		23	074-002-026	43	074-003-015
		24	074-002-006	44	074-003-014
		25	074-002-010	45	074-003-011
		26	074-002-031	46	074-003-010
		27	074-002-021	47	074-003-019
		28	074-002-030	48	074-003-018
		29	074-002-029	49	074-003-024
		30	074-002-034	50	074-003-008
				51	074-003-007
				52	074-003-006
				53	074-003-005
				54	074-003-004
				55	074-003-003
				56	074-005-012
				57	074-005-013
				58	074-005-010
				59	074-005-011



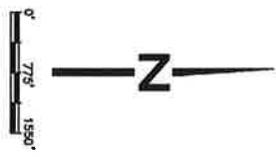
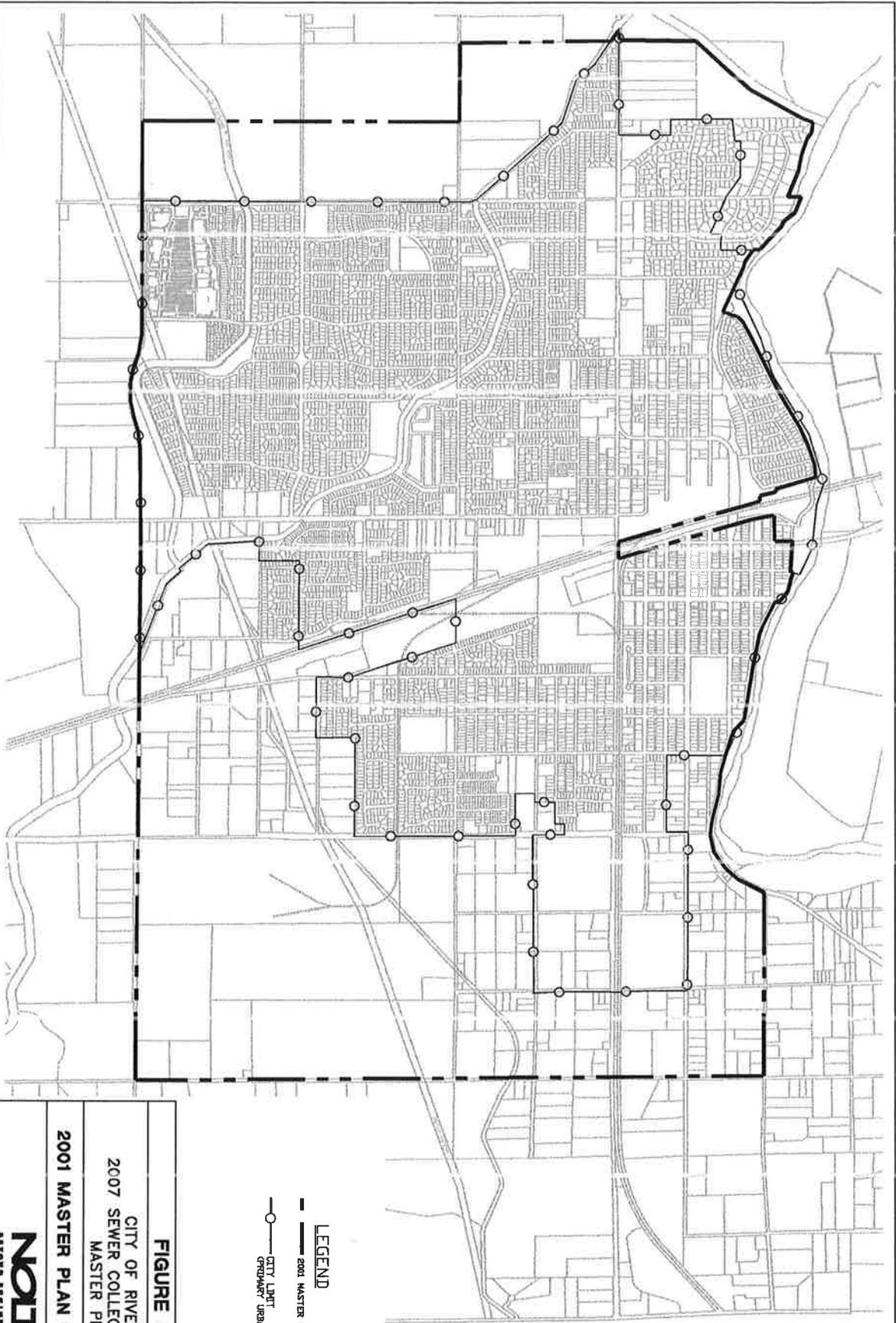
Legend

- Project Area
- Specific Plan Area
- City of Riverbank
- Riverbank Sphere of Influence (SOI)
- Proposed SOI Expansion
- Parcels within the Project Area
- Other Stanislaus County Parcels
- PARCELS NOT SURVEYED SPECIFIC PLAN
- SOI
- RIPARIAN CORRIDOR FOOTNOTE 3.4-53



RIVERWALK SPECIFIC PLAN

Figure 2.0-3.
Assessor Parcel Map
PARCELS NOT SURVEYED FROM TABLES 3.4-2 & 3.4-3



- LEGEND**
- 2001 MASTER PLAN SERVICE AREA
 - CITY LIMIT
CRUICKSHANK URBAN SERVICE BOUNDARY

FIGURE 2-1
CITY OF RIVERBANK
2007 SEWER COLLECTION SYSTEM
MASTER PLAN
2001 MASTER PLAN SERVICE AREA

NOTE
BYROND ENGINEERING

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.5

SECTION 9: CONSENT CALENDAR

Meeting Date:	March 26, 2024
Subject:	A Resolution Approving the River Cove River Access Closure Plan and Implementing the Plan Permanently
From:	Marisela H. Garcia, City Manager
Submitted by:	Michael Patton, Parks and Recreation Director

RECOMMENDATION

It is recommended that the City Council approve the closure plan as developed by staff and provide any other additional direction as needed. Staff is recommending that the Closure Plan be in place permanently.

SUMMARY

Over the summer season of 2020, the City of Riverbank staff and elected officials were actively engaged in discussions with residents in the River Cove neighborhood regarding a number of nuisance issues related to the increased use of the river access along River Cove Drive. A variety of concerns were raised by residents related to increased traffic, litter, destruction of natural habitat, and illegal activities associated with the large numbers of visitors accessing the river in the River Cove area over the summer. These concerns are not a recent development, depending on the river conditions of any given year the nuisance related issues have been a concern for the neighborhood for many years, with discussions on this matter happening for well over a decade. It appears as though the problem within the area increases during hot summers when the river levels are low. When the river levels are low there are a variety of sandy banks available along the river's edge which are attractive to visitors and rafters.

In November of 2020 the City Council held a workshop (widely publicized in the River Cove neighborhood) on the variety of nuisance issues that were experienced during the 2020 summer season. After much discussion and deliberation on possible solutions, the City Council directed staff to make necessary preparations for the closure of the river access areas for the 2021 season to allow for the repair and regrowth of the

riparian/natural habitat. This plan was successful so it was extended by City Council Resolution to the 2023 season and expired in November of 2023.

Staff recently visited the area to evaluate overall conditions. Natural growth is returning and damaged areas are filling in. The city has not received any complaints regarding fires, excess garbage, and increased traffic within the area over the past two summer seasons.

Due to the plan's success since 2021, the Parks and Recreation department is recommending the closure plan be adopted without an expiration date and place access closures year-round.

BACKGROUND

Due to the large linear area along River Cove Drive that abuts the river, staff has chosen to focus the closure notices and physical barriers to the key river access commonly used by visitors. The following is the plan that has been approved in previous years:

Date Range: Closure Effective April 1, 2024. Staff will report to Council at the periodically to communicate the effectiveness of the closure with regard to the area regrowth and associated nuisance issues.

Closure Notices: The notices will inform the public that river access is permanently closed due to riparian habitat repair and cleanup. The notice will direct visitors to Jacob Myers Park as an alternative.

Fencing: Split rail fencing has been placed at the entrance locations that lead to the key areas used and those areas that have been most effective by the large amounts of use in the past. Repairs to the fencing will be made if there is damage.

Education: Staff will replace signage previously installed (physical and or electronic) within this area notifying the public of the closure.

Replanting and Riparian Regrowth: Staff will allow for natural regrowth of the riparian/natural habitat.

Enforcement: Enforcement will take a variety of forms depending on the level of voluntary compliance with the closure. Citations can be issued as the area has been closed by order of the City Council. In general staff will use discretion to first educate and then proceed with more progressive enforcement options.

Flexibility of Plan: It is recognized that unforeseen issues or concerns may arise during the implementation of this plan that may not have been considered and therefore Council will be apprised of any changes deemed necessary to this plan to address and alleviate the matter.

FINANCIAL IMPACT

There is no financial impact to this closure.

STRATEGIC PLAN

According to the Parks and Recreation Master Plan, it states “utilizing the General Plan 2025 as a guide, implement improvements that are mindful of environmental stewardship to aid in the protection of park resources and ensure that they will be protected for future generations.” This strategy is provided with the goal to provide a park and recreation system offering the community a wide variety of parks and services that integrate environmental design, safety, community needs, and emerging trends. This resolution would help protect natural habitat that is located adjacent to Jacob Myers Park by allowing the area to regrow and rehabilitate.

ATTACHMENTS

1. Resolution 2024-XXX

CITY OF RIVERBANK

RESOLUTION 2024-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, APPROVING THE CONTINUATION OF A CLOSURE PLAN FOR THE
RIVER COVE NEIGHBORHOOD RIVER BANK ACCESS AREA**

**THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS
THE "CITY COUNCIL") DOES HEREBY RESOLVE THAT:**

WHEREAS, a variety of concerns had been raised by residents related to increased traffic, litter, destruction of natural habitat, and illegal activities associated with the large numbers of visitors accessing the river in the River Cove area over the summer; and

WHEREAS, depending on the river conditions of any given year the nuisance related issues have been a concern for the neighborhood for many years, with discussions on this matter happening for well over a decade; and

WHEREAS, November of 2020 the City Council held a workshop (widely noticed to the River Cove neighborhood) on the variety of nuisance issues that were experienced during the 2020 summer season; and

WHEREAS, after much deliberation on a variety of possible solutions, the City Council directed staff to make necessary preparations for a closure plan of the River Cove neighborhood river bank access areas for the 2021, 2022, and 2023 season to allow for the repair and regrowth of the riparian/natural habitat; and

WHEREAS, on March 26, 2024 the City Council approved a Resolution which authorized the implementation of the River Cove River Access Closure Plan for permanent closure beginning April 1, 2024 to allow continuous riparian regrowth.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby finds, determines, and declares as follows:

Continuation of the Closure Plan

Due to the large linear area along River Cove Drive that abuts the river, staff has chosen to focus the closure notices and physical barriers to the key river access commonly used by visitors. The following is the plan that has been approved in previous years:

Date Range: Closure Effective April 1, 2024. Staff will report to Council at the periodically to communicate the effectiveness of the closure with regard to the area regrowth and associated nuisance issues.

Closure Notices: The notices will inform the public that river access is permanently closed due to riparian habitat repair and cleanup. The notice will direct visitors to Jacob Myers Park as an alternative.

Fencing: Split rail fencing has been placed at the entrance locations that lead to the key areas used and those areas that have been most effective by the large amounts of use in the past. Repairs to the fencing will be made if there is damage.

Education: Staff will replace signage previously installed (physical and or electronic) within this area notifying the public of the closure.

Replanting and Riparian Regrowth: Staff will allow for natural regrowth of the riparian/natural habitat.

Enforcement: Enforcement will take a variety of forms depending on the level of voluntary compliance with the closure. Citations can be issued as the area has been closed by order of the City Council. In general staff will use discretion to first educate and then proceed with more progressive enforcement options.

Flexibility of Plan: It is recognized that unforeseen issues or concerns may arise during the implementation of this plan that may not have been considered and therefore Council will be apprised of any changes deemed necessary to this plan to address and alleviate the matter.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 26th day of March, 2024; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor



Lower Stanislaus Low Impact Development (LID) Alternative Compliance Plan

City of Riverbank, California

May 30, 2015



1.1 Introduction

Low Impact Development (LID) designs and strategies seek to provide solutions to urban stormwater management by mimicking nature. They assist in mitigating the harmful effects of impervious development (roads, sidewalks, parking lots, rooftops and other impervious surfaces) on water quality. Stormwater runoff from impervious areas can contain sediment, nutrients, road salts, heavy metals, bacteria, petroleum hydrocarbons, and other pollutants detrimental to surface and even sub-surface water quality.¹

Although a robust set of LID approaches and tools exist at a variety of scales (streetscape rain gardens to large treatment wetlands), the standard site-by-site or project-by-project approach to LID implementation can sometimes interfere with other sustainable principles, such as compact and infill development. Specifically, the space requirements associated with LID features can encourage more sprawling suburban development. A distributed LID network, which may rely on individual property owners for maintenance, can also be difficult for a municipality to manage, monitor performance, and maintain over time.

Thus, an alternative compliance (AC) approach to development-specific, on-site LID systems would include comparable off-site mitigations and/or financial contributions (in-lieu fees) toward watershed-scaled

features in priority reinvestment areas that mitigate stormwater impacts of multiple disparate projects in a centralized manner.

Several cities, counties, and even States are recognizing the need to provide developers and agencies AC mechanisms if physical, geotechnical, or other conditions prevent the implementation of on-site source control facilities. In some cases, AC programs may even provide higher environmental and public benefits to the community. Table 1–1 summarizes the benefits and challenges of conventional LID and the AC approach.

The intent of this Lower Stanislaus Low Impact Development Alternative Compliance Study (“Study”) is to inform an AC approach by conceptually designing and costing water quality facilities to provide data for the development of appropriate in-lieu fees. These centralized facilities would be located, scaled, and designed to align with the goals of the City of Riverbank General Plan and the requirements of National Pollutant Discharge Elimination System (NPDES) General Permit for Small Municipal Separate Storm Sewer systems (MS4s) (2013-0001-DWQ). The primary objectives of these facilities would be to protect and improve water quality in the Stanislaus River, with secondary objectives of promoting infill redevelopment, groundwater recharge and achieving broader community goals/benefits.

1. http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=factsheet_results&view=specific&bmp=92

	On-Site Treatment (Conventional LID)	Centralized Treatment (Alternative Compliance [AC] LID)
Benefits	Source-control Clear ownership	Flexibility Ease of monitoring Potential community benefit (e.g., multifunctional open space)
Challenges	Uses valuable space within properties Difficult in highly developed areas Piecemeal approach Problematic maintenance	Difficult in highly developed areas Additional burden placed on City to locate, design, and maintain systems

Table 1–1 Approaches to Stormwater Treatment

2.4 Recommendations for Developing an Alternative Compliance Strategy

This Study was developed for the needs of the City of Riverbank, but is an appropriate and manageable path for similarly sized cities across the lower Stanislaus region. Taking cues from the researched national AC programs, the project team came up with the following recommendations for developing an AC strategy:

- Review existing case studies for assistance with developing in-lieu fee programs, as well as legal agreements between alternative compliance parties (e.g., Municipality and developer, municipality and other municipalities).
- Recognize unmitigated runoff at both the site scale and watershed scale.
- Establish clear criteria and zones within urban areas for alternative compliance programs that are flexible enough to encourage infill and high density development.
- Confirm appropriate “currencies” to evaluate mitigation success; e.g., runoff volume, impervious surface area, stream restoration.
 - Establish region-specific mitigation units into common trading currency (e.g. X amount of stormwater volume equals Y amount of riparian restoration).
- Understand cost data for different AC scenarios (e.g. for new development, redevelopment, different soils) and methodologies to determine cost-benefits of out-of-kind mitigation (e.g. trading ratios).
- Include conservative design and cost estimates in AC programs to ensure that in-lieu fee levels are sufficient to cover design, construction, and maintenance.
 - Focus on SCMs with known costs.
 - Delineate funding into project phases (design, construction, maintenance).
 - While the cost of design and construction may have to be met by a one-time payment, consider annual fee schedules to cover maintenance
- Build safeguards that reduce environmental and socioeconomic risks (trading ratios greater than 1:1).
 - Establish more stringent requirements for development within sensitive areas.
 - Ensure that off-site projects and associated SCMs comply with drainage management areas (DMAs), especially in regards to out-of-kind mitigations.
- Establish legal agreements between AC parties (e.g. municipality and developer, municipality and other municipalities).

3.1 Overview

Based on current and probable future land use, and potential watershed health improvement opportunities, the Study Area boundary was determined using the "Planning Area" from the City of Riverbank General Plan. The Planning Area is the geographic area identified within the City of Riverbank General Plan land use designations. This area is distinct from the City limits and Sphere of Influence and consists of the City of Riverbank and unincorporated areas just west and east of the City. The Planning Area's southern terminus, like the City limits, is at Claribel Road. The Planning Area stretches east past Eleanor Avenue and as far west as McHenry Avenue, beyond the City limits.

The project team performed a comprehensive characterization of the entire Planning Area (hereafter 'Study Area') to provide a greater understanding of the degree of impact different areas may have on this Study's final recommendations.

The characterization process can be summarized as follows:

1. Compiling and organizing available data
2. Utilizing this data to understand existing conditions and needs
3. Delineating sub-watershed boundaries within the Study Area
4. Prioritizing the sub-watersheds according to need and development potential

As a result of this process, certain portions of the Study Area were determined to be irrelevant to achieving the objectives of this Study, and consequently were not carried forward beyond the watershed characterization phase.

Agricultural Conservation Area

These areas in the northwest and northeast provide for ongoing agricultural operations that will undergo little to no land use change. As indicated in the General Plan, properties within this area are generally quite large and have high-quality soils. As previously mentioned, when considering stormwater management projects in and around this area, it will be important to consider the potential water quality impacts that agricultural activities have on runoff.

Legend

- | | | | |
|-----------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------|------------------------------------------|
|  | Study Area |  | Agricultural Conservation |
|  | City Limits |  | Very Low Density Development |
|  | Sphere of Influence |  | Greenfield Development |
|  | Stanislaus River |  | Developed |
|  | State Route 108 |  | Redevelopment |
|  | Railroads |  | Infill Opportunity |
|  | Streets |  | Downtown Specific Plan Opportunity Sites |
|  | Parcels | | |

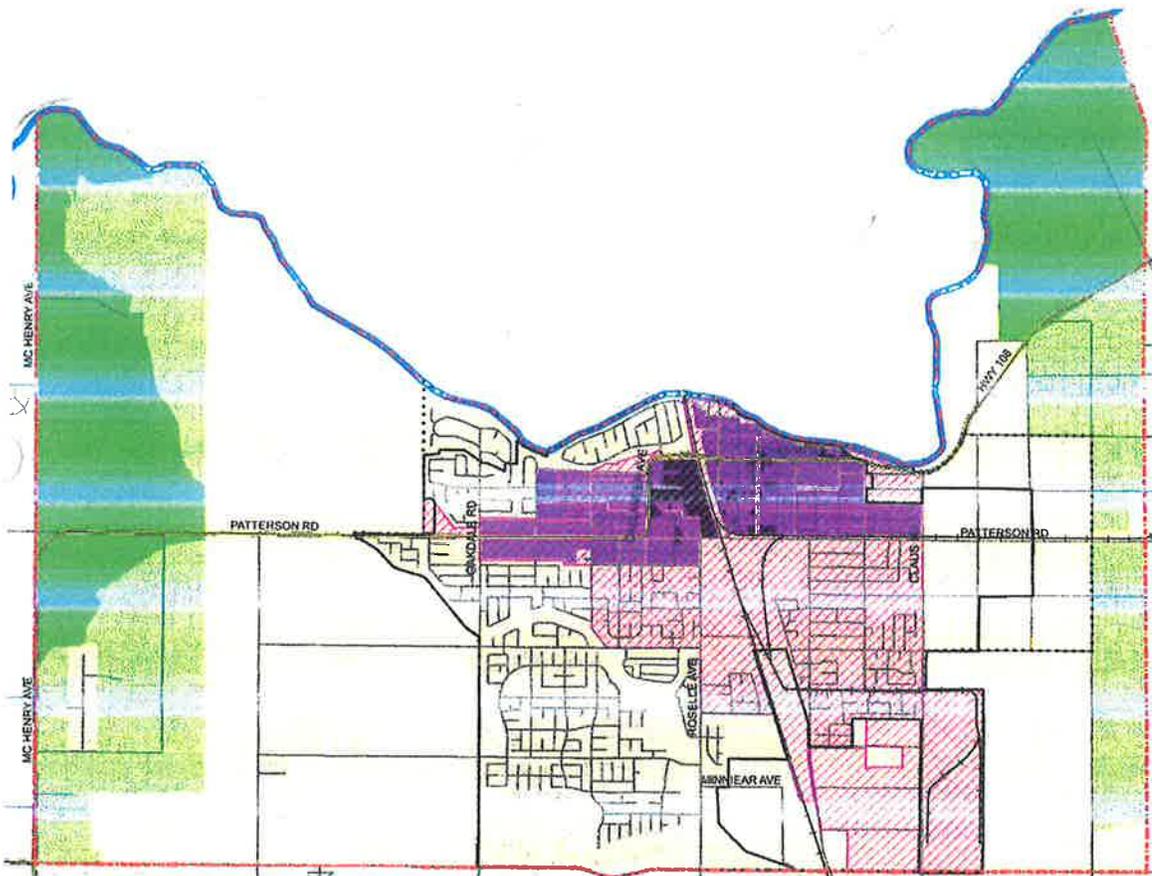


Figure 3-4 Anticipated Development Patterns within the Study Area

MAY 16 2024

DEVELOPMENT SERVICES

Uno de Mayo, 2024

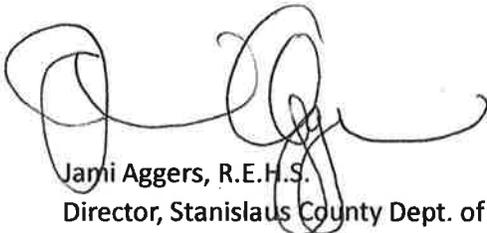
City of Riverbank
Attn: Miguel Galvez
6617 Third Street
Riverbank, CA 95367

RE: Para Abrir El Plan Especifico de River Walk (Borrador Publico 3-6-2024) y River Walk DEIR-
Volumen 1-En Espanol-3-18-2024

Estimado Sr. Gálvez:

Me gustaría ofrecer los siguientes comentarios sobre el proyecto propuesto del Plan Especifico del Paseo del Río para que se convierta en parte del registro público permanente y se incluya en el Informe Final de Impacto Ambiental (EIR) para el proyecto al que se hace referencia. Este proyecto propone construir miles de nuevas viviendas, negocios e infraestructura, incluyendo parques, un sendero para caminar alrededor de todo el perímetro, una nueva carretera de 4 carriles que terminaría en la Avenida McHenry y dos o tres nuevos pozos de agua que depender únicamente del agua subterránea para abastecer un tanque de almacenamiento de 2 millones de galones; casi todos los cuales ocurrirían en tierras del fondo del río que son identificadas por el Departamento de Conservación del Estado como "principales" y en áreas sensibles de hábitat ribereño y de vida silvestre.

Este proyecto es motivo de preocupación para muchos residentes locales que han firmado una petición oponiéndose a él. Por favor, vea las peticiones adjuntas que suman más de 574 firmas. Los tomadores de decisiones deben tener esto en cuenta y elegir la opción "Sin Proyecto" porque la aprobación del Proyecto resultaría en la pérdida del cinturón verde separador comunitario existente y resultaría en la expansión urbana.



Jami Aggers, R.E.H.S.
Director, Stanislaus County Dept. of Environmental Resources (2012-2021, Ret.)
7730 McHenry Avenue
Modesto, CA 95356

Recintos: Petición contra el Paseo del Río

SVS

Form 10-23

(copy)

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	VANCE C KENNEDY	—	Mudesto 3900 Dale Rd	95367
	Lisa Wilson	lmwkmw@gmail.com	5613 Lily Ct. Riverbank CA 95367	95367
	Rosemary Barsby	—	5606 Lily Ct.	95367
	BARBARA WINGER	B3WINOSER@gmail.com	2538 ROSE HILL LN.	95361
	ALIANA C PEÑA	mraliagapena@gmail.com	5712 ROSE HILL CT RIVERBANK CA, 95367	
	DWAYNE SMITH	BigWayne88@gmail.com	2451 ROSE HILL LN. 95367 →	

(copy) STOP RIVERBANK PROPOSED RIVER WALK PROJECT

⊕ = do not want emails

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
	Pamela Skillings	BCC pamskillings@gmail.com	1137 Parkliffe Merced, CA 95350	BCC 95350
	Barbara Langman	⊕	Edmore St Escalon, CA	95320
	DAVID L. RUSSELL	DAVIDRUSSELL1275 @GMAIL.COM	637 ZINFANDEI DRIVE, ESCALON CA 95320	95320
	Dorothy Miller	⊕ cia01959@ yahoo.com	1737 LAROID ESCALON	95320
	Alice Mueken	⊕ dolanman@shabbat.net	2182 ABBEY ST Escalon	95320
	RICHARD DAWSON	DICK37@GMAIL.COM	20904 McHENRY ESCALON	95320 BCC
	Karyn Dawson	karyn@calwalnut.com	20904 McHENRY AVE Escalon, Ca.	95320
	SANDY RUSSELL		637 ZINFANDEL ESCALON CA	95320
	Reanna I. Giartoli		28839 ORANGE AVE Escalon, CA 95320	95320

(copy)

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	PAT VASSINDER	VASTPA@COMCAST.NET	323 VICKY LYNN LN PATTERSON CA	95363
	MARC MARCHIONE	judylovesherdog@gmail.com	330 sawmill court waterford CA 95386	95386
	Sean C. Bennett	seancbennett@aol.com	1411 W. Packard Ave Modesto, CA	95350
	Brenda Christeson	brendachristeson@yahoo.com	1621 SunGate Dr Ceres, CA 95307	95307
	Claudia Anker	canh227@gmail.com	516 W Roseburg Ave Modesto CA 95350	95350
	Douglas W. Dyrssen	ddyrssen@sbcglobal.net	Modesto CA	95351
	MICHAEL D. DWYER	mdwyer@gmail.com	1572 LYNN AVE MODESTO, CA	95358
	Rick Sewell	RSEWELLEBOYETT@NET	3021 ASHFORD CT MODESTO	95350

STOP THE PROPOSED RIVER WALK DEVELOPMENT

We, the undersigned, object to the destruction of prime agricultural land, increased traffic congestion, decreased water availability, and other adverse environmental affects that this proposed project will result in, if allowed to proceed. Therefore, we respectfully demand that this project be denied.

Signature	First and Last Name (please print)	E-mail address	Street Address	Zip Code
	Ed Washington	mserv@spanil.com	3529 Pineland Ct	95366
	Gayle Wolf	dorlesbeg@bbk.net	608 Gales Ln	95356
	Robert Winston	RJelle@lyndee.com	3337 Bakersfield Dr	95351
	MAT DIAS	MA9ER@Hotmail.com	1066 Sycamore Ave	95350
	BILL FENSTERMACHER	notcoldman@live.com	504 COVEBROOK CT	95350
	RANDEE SCOTT	randee@johnstonvalley.com	2000 CATEYANNE	95356
	Giselle Pritchard	gprcnews@net.net	104 Patterson Rd	95356
	ROBERT H. DASHAW	RDASHAW@4520.com	3300 W. W. JENSEN	95357
	Richard N. Morandis	R.MORANDIS@outlook.com	4320 SANTA FE ST	95357
	Keltia Branzes	kbranzes@outlook.com	2125 HAZELDE LN	95350
	FRED CALHESSE	ADRESSES@icloud.com	4843 MAIZE BLVD	95358
	Gerald DeBoer	GDAGMAIL.COM	5419 CHERRY RD	95356
	Shana Wong	Kinsheung@icloud.com	6813 CARTERS LANE	95356

PETITION TO:
STOP THE PROPOSED RIVERWALK HOUSING DEVELOPMENT ON PRIME AGRICULTURAL LAND

Signature	First and Last Name (Please Print)	E-mail address	Street address	Zip Code
	Ronald W. Hoffmann	VON @ MARRIS NURSERY, COM	1837 PATTERSON RD PATTERSON, CA	95367
	Janice Ruelas		1721 PATERSON	95367
	Edward F. Struble		1719 PATERSON RD	95367
	Kathy Truitt	Kathytruitt@sbcglobal.net	1136 Nut Tree Ln 2204 CHRISTMAS TREE LN RIVERSIDE CA 95367	95367
	ROBERT MALONEY	ROSMALU@SBCGLOBAL.NET	2200 CHRISTMAS TREE LN TRICE LANE RIVERWALK	95367
	Haik Ghusen	Haik66@hotmail.com		95367
	Sandra Nersisyan	SandraNersisyan@att.net	2213 Christmas Tree Ct.	95367
	Sharon Moyer	sharonmoyer71@att.net	1029 Huntington Dr	95350
	Kimberly Spira	KCSPIR@GMAIL.COM	4457 COURT ROAD MODOesto CA	95358
	Michelle Adkins	Mackin5@juno.com	1810 Morrisville Lane Modesto CA	95355
	Betty Alvarez	beta14@comcast.net	1714 Mendota way Waldport Creek A.	94597
	Kristine James	@Yahoo	415 Caldwell Av Modesto Ca	95354
	Wendy Summers	wyngini@hotmail.com	445 Catalina way	95354
	Victoria M. Stewart	vicki.stewart@sbcglobal.net	929 Carla Ln. Modesto, CA	95350

(copy)

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Veronica Karsberg	vkarsberg@yahoo.com	6342 Clearwater	95367
	Cuba Franco		6331 Silverrock	95367
	Belaji Tijani Qudus	b.tijaniqudus@gmail.com	2007 Khatri Court 15678 Maubert Ave San Leandro	94578
	LORRAINE CUSHING	LORRAINE.CUSHING@ATTN.NET	2037 KHATRI CT RIVERBANK	95367
	RISHI VANDYKE		2025 KHATRI CT RIVERBANK	
	SERGIO MENDEZ		2013 SILVEROCK LANE RIVERBANK	
	Maricela Mendez	Maricela.Mendez@gmail.com	6201 SILVEROCK	
	Debra Gray	dgray1641@att.net	2037 Goldstone Way Riverbank CA 95367	

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Gardenia Saldana		1824 Hot Springs Ln Riverbank	95367
	ART Wetzel		6324 Hot Springs Ct Riverbank, CA	95367
	Carol Cartwell		1855 Hot Springs Ln Riverbank CA	95367
	Ariana Kimble	rhiana1982@gmail.com	5707 Rose Brook Drive Riverbank	95367
	Thomas Bobbitt		5707 1913 Rocky Point Riverbank	95367
	GARY ARON STROUCK	GARYARON@HOT	1919 Rocky Point Rd /	95367
	RANDO		1931 Rocky Point	95367
	BENVIDES		Riverbank	95367
	Fernando N VEGA	z1a@L Fernando.ela@crayon.com	6324 Clearwater Way	95367

COPY

STOP THE PROPOSED RIVER VALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	ERIC ESPINO	N/A	827 Chaloux Dr. Modesto, CA 95358	95358
	Sergio D. Hernandez	N/A	2009 Fumhurst Dr. Modesto, CA	95358
	Ruben Q. Keller	Dwanverker@Gmail.com	2009 Fumhurst Dr. Modesto, CA	95358
	Everett M. Keller	Dwanverker@Gmail.com	2009 Fumhurst Dr. Modesto, CA	95358
	CAROL JOHNSON		135 Modesto Ave Modesto, CA	95358
	Steve Bolts	PLgh31984	629 PERTHWAY Modesto, CA	95358
	Tamara B. Crim	Kctamson@gmail.com	10306 Dixon Rd Oakdale	95341
	Melanee A. Wyatt	MELANEE6364@ATT.NET	2401 CHEYENNE WAY Modesto, CA	95358

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STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

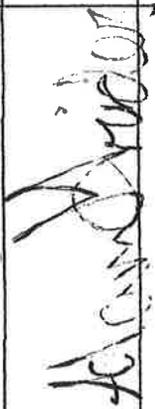
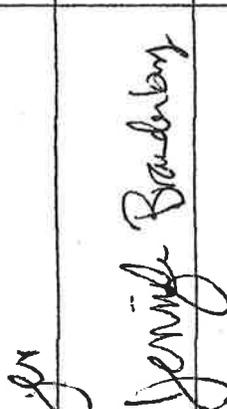
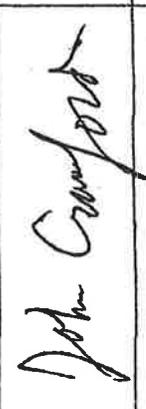
We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Bernardo Martinez Vimb	Vimbob@gmail.com	317 Hackberry Ave Modesto CA	95354
	Betty Ann Berry	Betty Ann Berry@Yahoo.com	Escalon	90820
	Kat Van Zee	jomkarythecloud	Turlock	95380
	Elizabeth Guphill		666 La Sombra Ave Modesto CA	95354
	Marrisca Walker	massisawalk@gmail.com	222 E. Torino Ave	
	Mike Rodriguez	redmicky1960@gmail.com	2520 Garvey	95355
	Ashley Dahlin	adahlm4@gmail.com	3345 E. Orangeburg Ave.	95355
	Dustin Peterson	together	u u	u u

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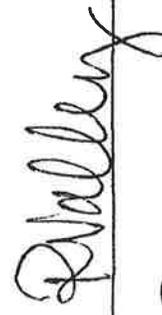
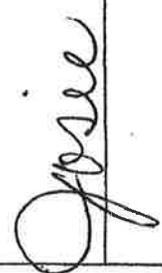
STOP THE PROPOSED RIVER VALLEY HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Adam Gribler	adgribler@earthlink.net	112 D St Modesto	95354
	Jennifer Brandenburg	jeniejean@earthlink.net	1316 Creeper Av Modesto 95351	95355
	Amy L. Poca	anthony@earthlink.net	1124 Talisman Way Modesto, CA	95355
	John Crawford	John.Crawford69@yahoo.com	2248 Cypress Spring	95355
	Michelle Giese	michelle.giese@earthlink.net	900 17th Street 113	95354
	Rob Robinson	TRERMAN@BIZGMAIL.COM	5361 RIVER RD	95361

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Hollie Keenan	Hollie.Keenan@lybanc.com	2920 Healthcare way. Modesto CA	95356
	Antonio Hobles	antonio@biopartphysicaltherapy.com	12508 Ortega Dr. Westford, CA	95386
	Sara Arayo	saraarayo@3@gmail.com	5907 Newbrook Circle Liverbank CA	95307
	Kent Mitchell	kmitch1938@earthlink.net		
	Rebecca Vallez	rvvallez23@gmail.com	1412 River Creek Circle Modesto, CA	95351
	Josie		1225 Houser E-49 Modesto	95851
	Misty	numb1 mxpx@icloud.com	265' Jackson Ceres Ca	95307
	Sandra	Sandrajegan2008@hotmail.com	7106 Muffett Yrd Ceres	95307

4/26/12
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STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Juan Gonzalez	californiamexico3@gmail.com	1505 Kingsbury Stockton CA	95204
	Juana			
	Jeanette Comegys	jeanette.comegys@yahoo.com		
	Alejandra Arroyo	alejandra072998@gmail.com	6261 2nd St. Unit A Modesto CA	95351
	Angel Chavarre	angelchavarre251@gmail.com		
	Richard Lawrence Jr.	moremorichan12@gmail.com	1809 McElison St Stockton CA 95204	95204
	Lawrence Tabangera	lawrencetabangera@gmail.com	3324 Polaris Street	95350
	Susan Gallagher	Ann Silva 1958@gmail.com	632 2nd St Modesto	95351

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STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
Margo PRAUS 209-670-4442		margo praus@msn.com		
	ROBERT DEMONT	ROBERT.DEMONT@RIPDESTHOF.COM	1781 PATERSON	95367
Betsy Walton				
	AJ Mitchell	mades to a thlete 1984@gmail.com		
	Diego Hernandez	Diego.hernandez84@gmail.com	5324 Spaulding St Riverbank, CA	95367
Phyllis Samuel Anderson	Phyllis Ferrell - Anderson	5324 phyllisferrellanderson@gmail.com	530 E. Minnesota Ave Turlock CA 95382	95382
Brett Shank	Brett Shank	Brett Shank@gmail.com 209 342 7863	907 Valerie Lane Modesto, Ca	95350
Heather Adams	Heather Adams	heather.adams86@outlook.com		95351

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Franonne Espinoza	blowhouse@gmail.com	2118 Southgate Riverbank CA	95307
	Christie Partasafas	christie.partasafas@gmail.com	2160 Southgate	95307
	ROY BOZAETH	RTBOZETH@GMAIL.COM	1421 KAMALGTON MORISTO 95358	
	Tiffany Shopbell	TiffanyS01@yahoo.com	1417 Star Ln Modesto CA	95355
	Brittany Romero	Brinnyrom@gmail.com	2401 Shawnee Dr Modesto, CA	95350
	Eduardo Sanchez	EddieSanchez@gmail.com	"	95350
	Edith Mendez	medith98@yahoo.com		95351
	Chris Jones	N/A	1621 Randazzo Ave	95350

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STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
<i>[Signature]</i>	Sylvia Vizcaino		2143 Sarum Ct Riverbank Ca	95367
<i>[Signature]</i>	Andrew Soldana	SOLDANA09@gmail.com	6036 Comstock Ln Riverbank CA	95367
<i>[Signature]</i>	Brittany Soldana		6030 Comstock Ln Riverbank CA	95367
<i>[Signature]</i>	Linda Laquae	LindaLaquae50@gmail.com	6042 Lone Star Ln Riverbank	95367
<i>[Signature]</i>	David Tucker			
<i>[Signature]</i>	Lisa Brewer	lbrewer@opata.com	6258 Harvest Ln Riverbank	95367
<i>[Signature]</i>	Dennis Vargas	dennisvargas45@gmail.com	2154 Silver Creek Road Riverbank	95367
<i>[Signature]</i>	Leonard White	len19692610@yaho.com	2113 Southgate Ct Riverbank, CA	95367

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Randall E. Francis	randallfrancis@stg.com	1895 West Park Ave	95350
	Harold Joe Ramirez	hramirez@comcast.net	55 Dore Meadows	94506
	FRED DEABLER	Chubwub@hotmail.com	1013 East Ridge Dr. Modesto	95355
	PETER DULLISSA	PED73@SBCglobal.net	2013 PLANT DR MODesto	95350
	ELIZABETH SMITH	WESTY4X4@HOTMAIL.COM	413 EMERSON AVE MODesto CA	95350
	Joe Blacksmith	JoeBlacksmith@gmail	326a Botficher Rd	95752
	RICK DAVIS	rdavis40x40@gmail.com	Valley Springs CA 1213 ADEL ST MERCED, CA 95354	95350
	ROBERT G. VACCARO	RGVACCARO@GMAIL.COM	6743 LYNCH AVE RIVERBANK, CA 95357	95357

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
	Bryan Woods	WOODS@HOTMAIL.COM	5625 Lily Ct Riverbank CA 95367	95367
	Robert Fred	RANCOLE@GMAIL.COM	5600 Lily Riverbank CA 95367	95367
	Sheila Capell	sheilacapell@gmail.com	5612 Lily Ct Riverbank CA 95367	95367
	Jon Nunes	jnunes1990@gmail.com	5618 Lily Court Riverbank 95367	95367
	DONALD WATSON		5615 LADY DAWOOD CT RIVERBANK 95367	95367
	WILLIAM WATSON		2615 Lady Dunes Ct Riverbank CA 95367	95367
	Kenneth Behm		2526 Rose Hill Ln Riverbank CA 95367	95367
	John C. Baker		5724 Rose Hill Ct Riverbank	95367
	Henry Thomas	Henry Thomas 1952@gmail.com	2508 Rose Hill Ln	95367

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

District 2

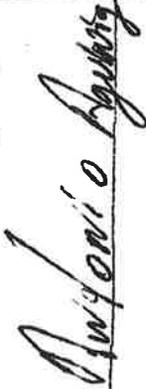
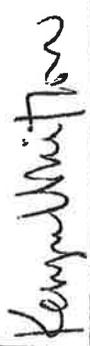
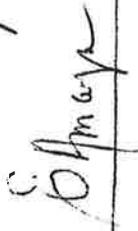
We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
	Chelsea VanPetten	Chelsea.VanPetten@yahoo.com	2813 Lindbrook Dr Riverbank	95367
	Mike Caggas		2801 Lindbrook Dr DR Riverbank	95367
	MARCIO MARTINS		2724 Lindbrook Dr Riverbank	95367
	Blajamir Boon		2724 Lindbrook Dr Riverbank	95367
	Maria Teresa Euley		5924 Newbrook Dr Riverbank	95367
	Norelito		2806 Morrill Rd Riverbank	95367
	Dan Wysocki		11 Riverbank	
	WILANTHA MARTIN		2555 Morrill Rd Riverbank	95367
	Juan Tinajero		2831 Morrill Rd Riverbank	95367

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Andrea Stevens	Andrea.Stevens1277@gmail.com	1930 Red Rock Lane Riverbank Ca 95367	95367
	Rita Aguiniga	ritaaguiniga@gmail	6347 Rock Creek Rd Riverbank CA 95367	95367
	Vanessa Aguiniga	vanessa.aguiniga@gmail.com	6347 Rock Creek Rd. Riverbank, CA	95367
	Antonio Aguiniga	ritaaguiniga@gmail	6347 Rock Creek Riverbank CA	95367
	Valeria Aguiniga	ritaaguiniga@gmail	6347 Rock Creek Riverbank CA	95367
	Kenya Whitton	kenywhitton@gmail.com	6359 Rock Creek Rd Riverbank, CA 95367	95367
	Tim M Trujillo	TMTTrujillo4@gmail	2060 Silverock Rd Riverbank CA	95367
	Ebrain Amaya	eadreagan.com	6331 Silverock Rd Riverbank CA	95367

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STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	ADAM R Love	ADAMLOVE81@GMAIL.COM	2106 GOLDSTONE AVE RIVERBANK, CA 95367	95367
	Bonnie Arbuckle	trancegoddess2001@yahoo.com	2118 Goldstone Way Riverbank, CA	95367
	Frank Castro	frkcastro@att.net	2124 Goldstone Way	95367
	David Edman	cedman2491@yahoo.com	2130 Laredo Ln 204 454-1144	95367

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

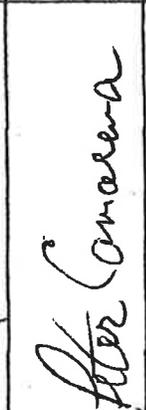
We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Dalia Torres	209-5741-5001	6243 SILVEROCK	95367
	David F. Savedra	209 605-8346	6249 Silverock	95367
	Wilver A. Cestana	(209) 275-28-75 Westona@gmail.com	6319 Silverock rd.	95367
	Carl Abbott	Carlsaxe@sbcglobal.net	2024 Katri Ct.	95367
	ERNEST S. AGUERO	209 863-2024	2018 SILVEROCK CT	95367
	Bruce Dragomanovich	brucedvich@yahoo.com	2030 Silverock Court	95367
	David Savedra		2092 SILVEROCK	95367
	Dalia Torres	(209) 719 0731	2048 GLOBSTONE WAY RIVER BANK	95367

copy

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Thomas Sexton		4606 Wellsford Rd Oakdale CA	95361
	Johnathan Chmielewski	STAYLOOSEHABLE @Yahoo.com	335 Rowland Ave Modesto CA	95354
	Douglas Kaufman		3229 Kee Lane Modesto, Ca	95355
	MARTIN STRATMAN	M. STRATMAN@COMCAST.NET	4944 JULIE ST LIVERMORE, CA	94550
	PETER CAMARENA	PETE.CAMARENA @SBCGLOBAL.NET	3708 DIX LN MODESTO	95356
	Gary Kailis		1813 Willow Dr. Modesto, CA	95350
	ZACHARY PELHAM	ZSP1919@ICLOUD.COM	165 S. ROXIE DR. RIPON, CA.	95366
	MICHAEL VASTBINDER	MLVR33@COMCAST.NET	333 VICKI LYNN LN PATTERSON, CA	95363

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
<i>LeRoy Duran</i>	LeRoy Duran	leroy.duran@aol.com	2419 Novi Dr. Riverbank	95367
<i>Victoria Duran</i>	Victoria Duran		2419 Novi Dr Riverbank	95367
<i>Suzanne Flores</i>	Suzanne Flores		5608 Portico Dr. Riverbank	95367
<i>Heather Flores</i>	Heather Flores	ache.flores@yahoo.com	5608 Portico Dr. Riverbank	95367
<i>Connie Sam</i>	CONNIE Sam	CONNIE.SAM@GMAIL.COM	5608 Portico Dr. Riverbank	95367
<i>Heidi Meyer</i>	Heidi Meyer	hmeyer827@sbglobal	5618 Squire wells Riverbank, CA	95367
<i>Gloria Cantelina</i>	Gloria CANTELINA		Squire wells	95367
<i>Christina Vieira</i>	Christina Vieira	lvieira@yahoo.com	2450 Gallery Riverbank	95367
<i>Leonard Vieira</i>	Leonard Vieira	lvieira@yahoo.com	11	11

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Mary L. Kenevick	wknevic@pacbell.com	2691 Glen Echo Ln. Hayward CA	95336
	Katherine Schick	kschick2@gmail.com	940 N. Hayward Stockton CA	95203
	VINCENT	LSOVSG@qmail.com	26120 YIPRES AGE STOCKTON	95207
	Mary Bullard	marybee2@gmail.com	4648- winding RD	95219
	Alan DeLageon	alan.delageon@gmail.com	" "	"
	JAMES PARKER	timenparkerc@regionalnet	3544 SCHWENGER DR. STOCKTON CA 95219	95219
	Dick Abood	Rabodcapacific@redy	5075 CEDAR STOCKTON CA 95212	95212
	NAN BULLARD	VOTERABLI@pacbell.com	5147 GARDNER CIRCLE STOCKTON, CA	95207

3/17/02

10/20

7/2/23 (copy)
 STOP RIVERBANK PROPOSED RIVER WALK PROJECT

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
	Jena French	Jena.french@yahoo.com	1405 Cherrywood Modesto CA 95350	BCC 95350
	MIKE HAYES	mikehayes72@yahoo.com	2432 ROUTE 401 RIVERBANK CA	95367
	Alexandra Romero	alexromero@msn.com	2506 Novi Drive Riverbank	BCC 95367
	JAMES DAVIS	baumodchris@gmail.com	2562 NOVI DR RIVERBANK	BCC 95367
	Sonya Singh	sonya4life@gmail.com	2624 Novi DR Riverbank CA, 95367	BCC 95367
	Denise Lemke	Dlemke091794@gmail.com	5803 Homewood WVA Riverbank	BCC 95367
	Chris Lemke	98shifkr@gmail.com	5803 Homewood WVA - Riverbank	BCC 95367
	Wendy Bauguer	brentbauguer@sbcglobal.net	2527 Novi Dr. Riverbank, Ca.	BCC 95367
	Vickie Ogilvie-Simkins	Vickie-lynn@sbcglobal.net	2520 Arcadia Ct. Riverbank - Ca.	BCC 95367
	Wanda Newman		2144 Novi Dr. Riverbank CA	BCC 95367

(copy)

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

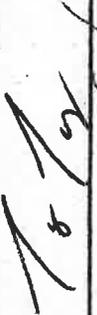
We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
	Melissa Stone	Brianbryoke yulrod.cem	2415 Rose Hill WV	95367
	Blanca Garcia	Bianca.garcia.1056@ hotmail.com	2018 Novi Drive 95367 Riverbank	95367
	Jennifer Thompson	gnjrn05@gmail.com	2521 Novi Drive	95367
	STEVE CASLER	JUCASLER@GMAIL.COM	2455 Novi Dr	95367
	RONIVER ALVARO	RONIVER4532@GMAIL.COM	6415 NOVAC DR	95367
	CYNTHIA ALMANZA	Salsara209@gmail.com	5020 PTH RD DR. Riverbank	95367
	RAFAEL VARGAS	RVargasPNC@gmail.com	5625 Squire Wells Way Riverbank	95367
	DAVID RODRIGUEZ	Gloriaanddave@ion.com	5612 Squire wells way Riverbank	95367

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
	Todd Toenges	tshootw@hotmail.com	17257 Stevinson Rd Escalon, CA 95320	95320
	Latrice Robinson	trisedanae@yahoo	3317 Coulterville Modesto CA	95354
	TONY TAYLOR	underdogTaylor@gmail	548 San Vincent Cr Modesto CA	95354
	Christine Rodman	WESLYTBZ@gmail.com	1900 MARQUESA DR Modesto CA	95355
	Judy Friedrich	jfriedrich@casolinus	843 Burr Pointe Oakdale	95301
	Cynthia Jurkovich	Cynthiaj1022@aatt.net	916 N Pleasant Lodi, CA 95246	95246
	Keith Paul	KeithPaul1957@gmail.com	421 Greenwich Ln Modesto	95350
	BRIAN GARDNER	BGIPHONE1@gmail.com	1812 BANIMIER PL. MODESTO	95355
	Chris Casazza	CASAZZA1@sbcglobal.net	577 Buchanan Ct. Oakdale, 95361	95361

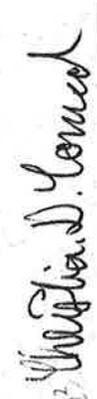
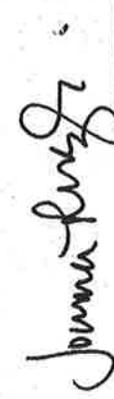
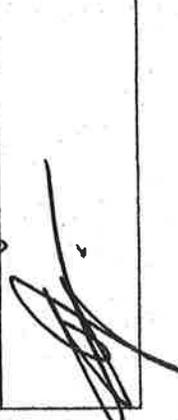
STOP THE PROPOSED RIVER WALK DEVELOPMENT

We, the undersigned, object to the destruction of prime agricultural land, increased traffic congestion, decreased water availability, and other adverse environmental affects that this proposed project will result in, if allowed to proceed. Therefore, we respectfully demand that this project be denied.

Signature	First and Last Name (please print)	E-mail address	Street Address	Zip Code
<i>Steve Tamburion</i>	Steve Tamburion	Stamb176@aol.com	201 Virginia, Modesto	95354
<i>Kate Mitchell</i>	Kate Mitchell	kmitch9348@sbcglobal.net	2130 Cedarwood, Modesto	95367
<i>Elaine Garman</i>	Elaine Garman	vevaddoe@yahoo.com	1521 Cornwood Rd. Mod.	95357
<i>Jerry Jackman</i>	Jerry Jackman	Jjackmanster@gmail.com	704 Tokay Ave. Mod.	95350
<i>Anita Young</i>	Anita Young	youngbooks@sbcglobal.net	1003 Coldwell Modesto	95350
<i>Jeanne Homsey</i>	Jeanne Homsey	jeanneh@comcast.net	3720 Turner	95356
<i>Barbara Salerno</i>	Barbara Salerno	gillwatercolor@gmail.com	1824 Fallon Ln Modesto	95355
<i>Sal Salerno</i>	SAL SALERNO	bees2@sbcglobal.net	1824 Fallon W. Mod.	95355
<i>Margaret Olson</i>	Margaret Olson	olsonm0414@gmail.com	2501 Douglas Dr. Modesto	95307
<i>Sandra Wilson</i>	Sandra Wilson	sierragal2014@gmail.com	704 Tokay Ave Modesto CA	95350
<i>Arleen Allsup</i>	Arleen Allsup	alallsup@yahoo.com	4612 VIA BREZEA, MO DEST	95357
<i>Linda McFetter</i>	Linda McFetter	lmcfetter@gmail.com	547 Orange Ave. Modesto	95350
<i>Nancy Jewett</i>	Nancy Jewett	njewettes@sbcglobal.net	1256 Casual Lane Turlock, CA 95382	95382

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Dan B. Levy	levy5roy@gmail	5725 Chenaht Drive	95358
	Jeanette Fosenthal	threesesbglobal.net		95350
	MARILYN MANES	ammiamm@icloud.com		95358
	Christian Conrad	christian.d.conrad@icloud.com	2401 Cheyenne Way, Modesto	95356
	Matthew Condon	MatthewCondon@comcast.net	1813 Hot Springs Ln	95367
	JOANNA LOPEZ	jlopez@comcast.net	1804 Hot Springs Ln	95367
	Ascencion Lopez	alopez@comcast.net	3607 Kansas Ave	95367
	Francisco J. Lopez	" " "	3607 Kansas Ave	95367

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STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

When the undersigned strongly object to the destruction of prime agricultural land, impacts to groundwater wells/aquifer, impacts to riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Name-Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Robert W. Ruehle		208 Birchwood Modesto CA	95350
	Daniel King		1801 Sheswood Ave Oakdale, CA	95352
	Vernon Grady		1248 David Dr Oakdale, CA	95354
	PETER WHITE		3800 RAMAR WAY MODESTO, CA.	95336
	Robert Winston	RJUC@Yahoo.com	3337 BRECKENRIDGE WAY	95355
	Virginia Winston	"	"	"
	JACK MERRILL		2010 ESTER DR MODESTO, CA	95350
	WARREN BRIER		1225 DAVID DR. OAKDALE, CA 95361	95361

MKC. Kscd 6/17/22 (copy)

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Wendy A. Miller	Wamkumb3@gmail.com	6736 Lynet Av Riverbank CA	95367
Lana Beck	Lana Beck	fun4lana@sbcglobal.net	2662 Donner Trail Riverbank CA	95367
Daniel Lyon	—	—	—	—
	Daniel Lyon	dlyon99@sbcglobal.net	2043 River Heights RIVERBANK, CA 95367	95367
	Mark Ellert-Burt	mellenburt543@gmail.com	6730 Lynch Riverbank	95367

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STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
<i>Mary C Wolganot</i>	Mary C Wolganot	Mwolganot@sbcglobal.net	6603 Oatdale Riverbank, TX	95367
<i>Marina Campbell</i>	Marina Campbell	queenstamper1@sbcglobal.net	2318 Rivergate Dr Riverbank, CA	95367
<i>Charles Shoup</i>	Charles Shoup	Cashoup@yahoo.com	2217 Christmas Street Riverbank, CA	95367
<i>Karen R. Shoup</i>	Karen R. Shoup	KarenShoup59@gmail.com	2217 Christmas The Ct. Riverbank 95367	95367
<i>Norma Hart</i>	Norma Hart		6754 Panorama Riverbank	95367
<i>Tom Prokes</i>	TOM PROKES		2108 PARK RIDGE RIVERBANK, DR.	95367
<i>John Prokes</i>	JOHN PROKES		2108 Park Ridge Ch. Riverbank	95367
<i>Irene Petersen</i>	Irene Petersen		1307 Crawford Rd Madera, CA	95357

copy

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
<i>Marilyn R. McRitchie</i>	MARILYN R. McRitchie	tenors15@aol.com	2001 River Hills Dr.	95367
<i>A. Bukko</i>	Ashaw Bukko	abukko2002@gmail.com	2465 Topkast	95367
<i>Mary Lindsey</i>	MARY lindsey	MLINDSEY1@ATT.NET	5901 Hull Ct Riverbank	95367
<i>John Lindsey</i>	John Lindsey		5901 Hull Ct Riverbank,	95367
<i>Randy Keans</i>	RANDY KEANS		6749 LYNCH RIVERBANK CA	95367

Also (1/25) MR. (copy)

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STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
<i>Adriana Panero</i>	Adriana Panero	fishingcelltic33@sbcglobal.net	3230 Riverside Dr. Riverbank, Ca.	95367
<i>Christine Holmer</i>	Christine Holmer	revchris23@gmail.com	2116 Park Ridge Dr. Riverbank, CA	95367
<i>Richard Holmer</i>	Richard Holmer	richolmer@gmail.com	2116 Park Ridge Dr Riverbank CA	95367
<i>Barbara Phillips</i>	Barbara Phillips	jbarbph@gmail.com	6713 Panama Riverbank, CA	95367
<i>Janet Vaccaro</i>	Janet Vaccaro	JERBARPH@GMAIL.COM	6713 PANAMA RIVERBANK CA	95367
<i>R. Amy Vaccaro</i>	R. G. VACCARO	RGVACCARO@ATT.NET	6743 Lynch Ave Riverbank, Ca	95367
<i>Elizabeth Lyon</i>	Elizabeth Lyon	EMOOKIE@AOL.COM	4743 Lynch Ave Riverbank Ca.	95367
<i>Elizabeth Lyon</i>	Elizabeth Lyon	EMOOKIE@AOL.COM	2042 River Height	95367

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STOP RIVERBANK PROPOSED RIVER WALK PROJECT

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
	Lucie Montano	Lucie82@yahoo.com	2913 Mackintosh Riverbank	95367
	DAVID RANGON	FRANGONJRL@GMAIL	2844 HOVELL LA	95367
	MARIA			95367
	CYRILLIC	MALICAPRINO.TA@GMAIL	2755 MORRILL	95367
	Anne Boswell	bozarama3@yahoo.com	2725 Morrill	95367
	James Boswell	bozarama@att.net	2725 Morrill	95367
	Maryann Carisota	marina1301@gmail.com	2573 Morrill Rd	95367
	Debbie Alcantara	debbie.alcantara@att.net	6006 Bellmans Rd Riverbank, CA	95367

set 6/10/23 Name original

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

2571012 0000 5/12/23
 Sashed Hernandez
 -2 members

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
	Angel Calderon	@gmail.com cabreranangel268	2819 Lindbrook Dr.	95367
	Rene Calderon		2819 Lindbrook Dr.	95367
	Sarai Lopez		2706 Lindbrook Dr.	95367
	Sue Jennings		2739 Lindbrook Dr.	95367
	Sue Jennings	suejbgood1@gmail.com	2800 Morell	95367
	Guadalupe Morillo		2812 Morrill Rd	95367
	Luz Maria Reyes	Lucero2824@gmail.com	2824 Morrill Rd	95367
	Phil Logan	phillogan@gmail.com	2860 Morrill Rd Riverbank Ca	95307
	Jandy Lauderdale	jandymechele@gmail.com	5930 Carnwood Dr Riverbank CA 95307	95307

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STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

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Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Mauricio Alvarado	mauricio_a@att.net	6113 Kesper Dr Riverbank	95367
	Christina Stewart	ting-vo@bcgoba.net	6031 Crossroads Dr Riverbank	95367
	Tawag Alvarado		6124 Kesper Dr Riverbank Ca	95367

*
will help!

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
Gail Americh	Gail Americh	garnerich@att.net	1438 Overholzer Dr Modesto	95355
William Gray	William Gray	lqmq1641@att.net	2037 Goldstone Way Riverbank CA	95367
STEVE HAYS	STEVE HAYS	haysinsose@gmail.	2119 Goldstone Way	95367
Manuel Saldaña	Manuel Saldaña	manuel.saldaña@hotmail.com	2125 Goldstone way	95367
Ramon Jimenez	Ramon Jimenez		2131 Goldstone	
Joe Freitas	JOE FREITAS		2131 HAREDOLA	
Veronica Jimenez	Veronica Jimenez		2039 Lancaster CA	
Terry Holtz	Terry Holtz	Tmoney71@yahoo.com	2155 Novi Dr	95367

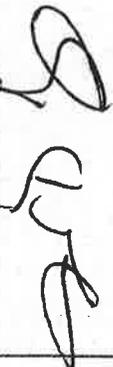
STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

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Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Duwayne Defaunt	ddefaunt@gmail.com	6518 Almondwood Dr. Riverbank	95367
	DAVID S. NIMS	NONS	2237 CHERRY TREE LANE RIVERBANK	95367
	Nancy Price	nkp3851@sbcglobal.net	2207 Cherrytree Lane Riverbank, CA	95367
	JEFF GIRON	JXOYEtank17@hotmail.com	6731 PANORAMA DR. RIVERBANK, CA	95367
	Martha Simonton	6724 Panorama Dr Riverbank ←	richmartha@att.net	95367

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Rodney D Taylor	vtay46@gmail.com	2409 Olive Grove Ct Riverbank, Ca	95367
	JEFF D. FREY	jeff.frey68@yahoo.com	2412 OLIVE GROVE RIV CA	96367
	JUAN EWINK	JREMA059@GMAIL	2325 RIVERGATE DR RIVERBANK	95367
	Manuel M.		2237 McCallister Lane	95367
	Susana Esquivel	sesquivez@gmail.com	1119 KUSPER DR RIVERBANK CA	95367
	Patricia Hoffman		400 OLEANTA RIVERBANK CA	95367

↑ asks about mtg.

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
<i>Kyle Lingg</i>	Kyle Lingg	klingg@charter.net	4151 Stride way Riverbank CA	95367
<i>Deborah Basey</i>	Deborah Basey	indiank@softcom.net	331 Riverside Dr Riverbank CA	95367
<i>Garina Panero</i>	Adrina Panero	fishingceltic33@sbcsglobal.net	3230 Riverside Dr Riverbank, Ca.	95367
<i>Janet Vaccaro</i>	Janet Vaccaro		Riverbank	
<i>Mary Lomax</i>	Mary Lomax	Lomaxma@yahoo.com	6743 Lynch Ave. 2112 Park Ridge Dr Riverbank, CA	95367
<i>Nana J. Redell</i>	Nana J. Redell	nane702@gmail.com	7012 N. Park Ridge Ct	95367
<i>Vivian Lopez</i>	Vivian Lopez	vivian-lopez@sbcsglobal.net	6024 Roselle Ave Riverbank, CA	95367
<i>R. Gary Vaccaro</i>	R. Gary Vaccaro	RGVACCARO@GMAIL.COM	6743 Lynch Ave RIVERBANK	95367
<i>Michael Lingg</i>	MICHAEL LINGG	MLINGG@CHARTER.NET	4151 STRIDE WAY RIVERBANK	95367

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

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Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
Ramon R. Bermudez	Ramon R. Bermudez		6261 Roselle Ave Unit F	95367

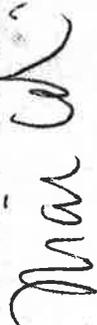
STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Freddie Covero	freddiecovero@yahoo.com	2249 Ryanlee Dr Riverbank CA 95367	95367
	Anahyn Covero	anahyncovero@yahoo.com	2249 Ryanlee Dr. Riverbank CA 95367	95367
	P. K. McQuade	PKMcQuade@gmail	2231 Bagerway 95367	95367
	JERRY FAILE	JERRY 95355@Aha.com	5901 CHANCELLOR WAY 95367	95367
	CAROLINA	Canella.walby 5906	Almarock Karoline 95367	95367
	Anabel Lopez		Riverbank CA 95367	95367
	Vidal Besendiz	rv071985@gmail	5900 Squarewell Way 2436 Saxon Way Riverbank CA 95367	95367

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	ALEX GARCIA	ALEXSGARCIA@Smax.com	RIVERBANK CA 95367 2424 COKODY MANOR DR	95367
	Ken Campbell		6131 CROSSROADS RIVERBANK CA	95367
	Amber Gaylor		5902 Janderke way RIVERBANK	95367
	Chris Campbell		5908 Janderke way RIVERBANK CA	95367
	Jerry Evans		5100 Chancello Way RIVERBANK CA	95367
	JOSE GUTIERREZ		2421 SAXON WAY RIVERBANK	95367
	Nicole Collins	MONMFB3M.ec@gmail.com	2418 Saxon Way RIVERBANK	95367

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cont B

PETITION TO:
STOP THE PROPOSED RIVERWALK HOUSING DEVELOPMENT ON PRIME AGRICULTURAL LAND

Signature	First and Last Name (Please Print)	E-mail address	Street address	Zip Code
	JAMES FONTBEAU	Not interested	3829 MOANA Way	95355
	MARY BERGARA	Not interested	1225 Collier Ave	95350
	DENNIS COYNE	Not interested	6039 HATCH RD	95326
	Danielle Serra	Will help? 8 months ago... Serra90x@hotmail.com	500-680-5912	95357
	Adam Simken	ADAMSIMPSON@gmail.com	1515 CRAWFORD RD. MEDFORD, CA	95357
	Jo Fox	jofox@gmail.com	1519 Crawford Rd Medford 95357	95357
	Charlene Sughrie	charlensughrie@gmail.com	Medford	95357
	Travis Gorman	TravisGorman@gmail.com	1701 Crawford Rd	95357
	Tracee Gorman	Travis' mom	11 11 11	11
	Julia Schauf	1315 Army Ave Medford, CA	95357	95357
	Sara Hamblin	SaraHamblin@gmail.com	1306 Army Ave Medford CA	95357
	Sara Meador	elderly woman Please address	5348 Coffee Rd	95357
	Annette Carpenter	105 MEDFORD - 1000 YEARS CAN YOU HELP?	5330 Coffee Rd.	95357

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PETITION TO:

STOP THE PROPOSED RIVERWALK HOUSING DEVELOPMENT ON PRIME AGRICULTURAL LAND

STOP THE PROPOSED RIVERWALK HOUSING DEVELOPMENT ON PRIME AGRICULTURAL LAND

Signature	First and Last Name (Please Print)	E-mail address	Street address	Zip Code
	Richard Price	Richard256@gmail.com	1300 Patterson Rd	95357
	Charles Heckendorf	chheckendorf@gmail.com	5636 Coffee Rd	95357
	Patricia Heckendorf	preckendorf@gmail.com	5636 Coffee Rd	95357
	Irene Pedersen	bedsternerbeatz.net	1307 Crawford Rd	95357
	Deanna Dooly		1630 Crawford Rd	95357
	Eleanor Schauf		1315 Amy Ave Modesto CA	95357
	Carol Raya	CAR 2893@earthlink.net	1348 Crawford Rd Modesto CA 95357	95357
	Barbara Wilson		1348 Crawford Rd Modesto CA	95357
	Randee Jones		1348 Crawford Rd Modesto CA	95357
	Selina Hernandez		1348 Crawford Rd Modesto CA	95357
	David Hernandez		1348 Crawford Rd Modesto CA	95357
	Jill D Boyfield		1348 Crawford Rd Modesto CA	95357
	Glory Curtis		1348 Crawford Rd Modesto CA	95357
	Melody Rounneau		1348 Crawford Rd Modesto CA	95357

STOP THE PROPOSED RIVER WALK DEVELOPMENT

We, the undersigned, object to the destruction of prime agricultural land, increased traffic congestion, decreased water availability, and other adverse environmental affects that this proposed project will result in, if allowed to proceed. Therefore, we respectfully demand that this project be denied.

Signature	First and Last Name (please print)	E-mail address	Street Address	Zip Code
	Jami Aggers	aggersja@aol.com	7730 McHenry Ave	95356
	BERNARD A AGGERS		7730 McHenry Av	95356
	Jessica Woodbridge	jessiehorsewoman@yahoo.com	3412 Applewood Way	95355
	Jeff Woodbridge	wodbrj@yahoo.com	3412 Applewood way	95355
	Joanne Woodbridge		3101 California Ave	95358
	Heidi Ryan		406 N. Santa Rosa Ave	95354
	Mike Araiza		21531 Meekers Rd.	95320
	Dakota Wolf		4290 Kansas Avenue Escalante	95358
	Lori Wolf	loriwolf52@gmail.com	4290 Kansas Ave Escalante	95358
	Frank Resendiz	Frankresendiz@gmail.com	12416 OPEN DRIVE	95386
	Gloria Powers	powersdg@catt.net	1908 Floral Vista Dr.	95326
	Duane Powers	powersd@att.net	1908 Floral Vista Dr.	95326
	Justin Woodbridge	justinwoodbridge@yahoo.com	405 Birmingham Lane	95350
	Stephanie Powers	StephaniePowers1984@gmail.com	1908 Floral Vista Dr.	95326
	Amanda Woodbridge	adwoodbr@geogmail.com	4105 Barnwood Lane	95350
	Karen SAYERS	Gate6828@gmail.com	6828 Richards Rd	95361
	Elizabeth Callen	lmaawissome2@gmail.com	2421 Laurel Ridge Way	95361

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature

Name

E-Mail Address

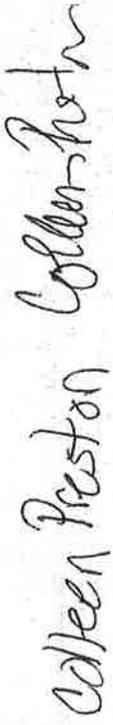
Home Address

Zipcode

	Michael Sue Skully	mskully@gmail.com (neg.) mskully2019@gmail.com	809 6th Modesto 95354	95354
	Gail Benge	sbcglobal.net	2299 Ridgeway Ceres, CA	95307
	Dorene Arnold	arnolddorene@gmail.com	1105 Wellesley Ave Modesto 95350	
	Patty Fischer	patty24@yahoo.com	3601 Soda Canyon Pr.	95307
	Kyle Fischer		3601 Soda Canyon Dr.	95307
	Cheri Barne	barnes@sbcglobal.net	606 Hartley Dr Modesto	95356
	Brynn Meyer	brynnelaine@gmail.com	207 Roselawn Ave Modesto CA 95351	
	Doughtardie	doughtardie@gmail.com	1009 Clarkburn Modesto	95355

4/20/04 Reverse Side of Game Card STOP Personal Use Only Housing Dev

Copy

Name	Signature	Email Address	Address	Zip Code
Lance Hanniah			P.O. Box 4535 Modesto, CA	95352
Colleen Preston			809 Nvre Dame	95350

STOP RIVERBANK PROJECT USED RIVER WALK PROJECT

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

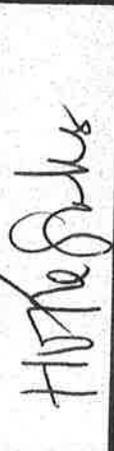
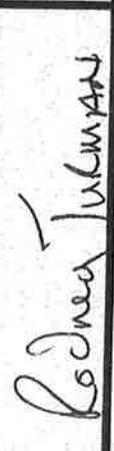
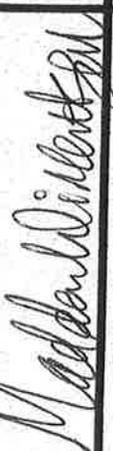
Signature

Name

E-Mail Address

Home Address

Zipcode

	Ramon G. Zylinder		2530 Fabbia	95367
	Tracy Meyer	mytre@att.net	1329 W. Rossburg	95350
	HOPE SOLUS	HOPEsolus@yahoo.com	313 Cassidy Ct.	95354
	Loni Solus	lonisolus@yahoo.com	11 11	"
	Rodney Tubman	rodnet@juno.com	11 11	96356
	Michelle Giese	Michelle.Giese7@gmail.com	Modesto CA 900 + 7th Street Apt 113	95354
	Madden Wilentzen	M.j.wilentzen@gmail.com	313 Virginia Ave.	95554
	Token Maddalen	token136@gmail.com	1013 Auburn Modesto, CA	95350

John Ruggesi
Riemann
Melville
Whelan
Feed Store
Woodland

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

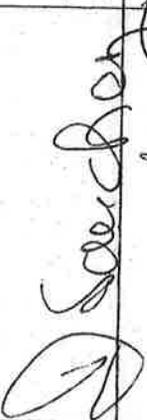
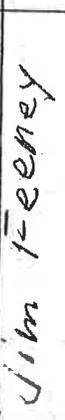
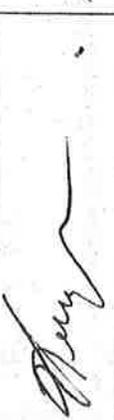
* and = walking on walk

Signature	Name	E-Mail Address	Home Address	Zipcode
	Gloria	glorias@att.net	2405 N. Hart Modesto CA 95358	95358
	Dennis Jackson		Modesto CA	95358
	Melissa Calderin	melissacalderin@hotmail.com	929 Huntington Drive, Modesto CA	95350
	Troy Hackman	Troy-hackman@yahoo.com	929 Huntington Dr Modesto CA	95350
	Elodia Avalis	avalis elodia@gmail.com	1425 Page Court Modesto CA	95364
	Jennifer Lewis	Jenniferlewis@att.net	115 Poplar Ave Modesto CA 95354	
	Kellie Keefer	kceeta2@gmail.com	621 Ann Lane Modesto CA 95351	
	Joe Lewis		3324 E. Burnhart Rd D-mail 95316	

4/20/24 Karen

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

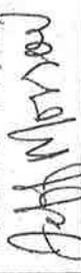
Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Scott Chance Carrico	Chance.Carrico@gmail.com	2801 Mitchell Rd #194 Ceres CA	95307
	MICHELLE BASAS	mp.ras@hotmail.com	3416 Yerington Ct Modesto CA	95350
	Irene Sanchez	—	3965 Alessandro Ln	95356
	Janelle Gray	—	800 Magnolia Ave Modesto, CA	95354
	Jim Feeney	—	1003 Soldwell Ave.	95350
	Kelly Soriano	—		95355
	Christine Bady		1816 Saint Marye Dnm Modesto	95356
	LUKE CASRO	LUKE@CASTLECOLORADO.COM	701 WEST MORRIS Ave	95354

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

95351

The undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Name	E-Mail Address	Home Address	Zipcode
	Paula Lewis	Paulalewis@aol	3324 E Barnhart Denair CA 95316	95316
 <small>Paula Lewis - Face signed - 10/15/11 - 10/15/11 Jeff Morrow - Face signed - 10/15/11 - 10/15/11</small>	Jeff Morrow	JeffMorrow74@gmail	974 Cweatherham Ct Modesto Ca. 95351	95351
	Dana Shewalter	DanaMorrow@gmail	320 Parry Ave Mod. CA	95351
	Anthony Amos	Amosyn.t@gmail.com	320 Parry Ave	
	Filmore Brimage	filesp@hotmail.com	1129 Manor Mod. CA.	95351
	Beatriz Caravante	BIC8219@yq.com	2024 Silvercreek rd Riverbank Ca	95367
	Bridget Agostinelli	bridgetagostinelli@gmail.com	24368 McDonald St Dearborn MI 48105 (Moving here soon)	
	Shawn Pierce	ShawnPierce1995@gmail.com	516 Codrington Way Modesto CA 95357	95357

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
	John Foley	foleyfive@SBCGLOBAL.NET	2501 River Cove Dr Riverbank CA.	95367
	Robert Baiz	rob-baiz@kornell.edu	7012 Burnaby Tree Ct. 95367 Riverbank CA	95367
	ANGEL SEGUNDO	ASP-34X@GMAIL.COM	7002 KINGS MILL CT. RIVERBANK	95367
	CONNOR TAVERAZ	ctwinn1@gmail.com	7002 KINGS MILL CT RIVERBANK	95367
	FRANK SMITH	353535@FRANK@GMAIL.COM	2508 RIVERCREEK RIVERBANK, CA	95367
	Connie Bai	cbai@california.com	6607 Cyprian 2024 Condwood RWBANK, 2024 Condwood RWBANK, 2024 Condwood RWBANK, 2024 Condwood RWBANK,	95367
	Z AU	zau@sinisterwheel.com	6018 Cypress Wood Cir Riverbank, CA	95367
	Shari Lloyd	gypsygoddess@psbcglobal.net	6018 Cypress Wood Cir Riverbank, CA	95367
	I. W. LIKER	VIPREVIEW@CMAIL	CYPRESS WOOD	95367

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

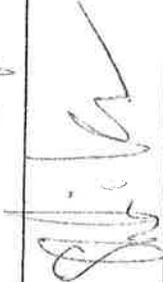
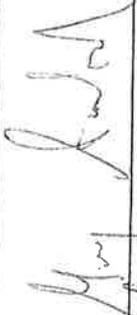
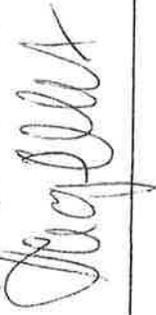
Signature	Print Name	E-Mail Address	Address	Zip Code
<i>Clifford Nagle</i>	CLIFFORD NAGLE		Candlewood circle	95367
<i>[Signature]</i>	<i>BRINN STORER</i>		<i>2142 CANDLEWOOD</i>	<i>95367</i>
<i>John E. Thompson</i>	JOHN E. THOMPSON	<i>BEST INSURANCE ESTIMATOR.NET</i>	<i>2113 CANDLEWOOD</i>	<i>95367</i>
<i>Cecily Schalek</i>	Cecily B. Schalek	<i>ceschalek@comcast.net</i> <i>gmail.com</i>	<i>2013 Candlewoods</i>	<i>95367</i>
<i>Armando Valadez</i>	Armando Valadez		<i>Haven Pl</i> <i>6707 wood</i>	<i>95367</i>

copy 8 over

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Start 2520

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Madisyn Crawford	madisyn.madfiit@gmail.com	2801 Morrill Rd	95367
	Stefani Kang	stefani.kang@gmail.com	2743 Morrill Rd	95367
	Gary Sandoval	gsando72@gmail.com	2637 Morrill Rd	95367
	Stacy Stewart	stewartst@usa.net	6613 Oppeney Cir	95367

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
<i>[Handwritten Signature]</i>	Analysa Avery	Greatdiss06@gmail	7001 Dunbar Lane	95367
<i>[Handwritten Signature]</i>	Denise Regalado	Joeyrnisse@gmail	7061 Dunbar Ln	95367
<i>[Handwritten Signature]</i>	Loretta Hoyer	lthoyer@yahoo.com	7073 Dunbar Ln	95367
<i>[Handwritten Signature]</i>	Carrie Payne	Carriepayne1971@yahoo.com	2612 Briarcliff	95367
<i>[Handwritten Signature]</i>	Josie Anaya	dallasgose69@gmail.com	2640 Briarcliff	95367
<i>[Handwritten Signature]</i>	Justin Tomares	heyjustin@aol.net	2710 Briarcliff dr	95367
<i>[Handwritten Signature]</i>	Maria Fajon	zannessa_marcguz@comcast.net	2115 Briarcliff	95367
<i>[Handwritten Signature]</i>	MARCUS CORDERO	MARCUS21@JCI.COM	2611 BRIARCLIFF DR	95367
<i>[Handwritten Signature]</i>	<i>[Handwritten Signature]</i>	<i>[Handwritten Signature]</i>	<i>[Handwritten Signature]</i>	<i>[Handwritten Signature]</i>
<i>[Handwritten Signature]</i>	<i>[Handwritten Signature]</i>	<i>[Handwritten Signature]</i>	<i>[Handwritten Signature]</i>	<i>[Handwritten Signature]</i>

2525 Briarcliff

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
	Thomas Castillo	Thomas Castillo 3 @ Yahoo.com	7039 5+ LAKES RIVERBANK	95367
	Kathy Kohler	Kathy.yaeger@gmail.com	7074 St Lakes Et. RIVERBANK	95367
	JULIAN BORDON	JULIANB63@SBCGLOBAL.NET	7012 SPANISH BAY CT RIVERBANK	95367
	Sharee Salm	ShareeSalm@comcast.net	2716 RIVERBANK	95367
	Bobe Santos	bobe.wheeler@gmail.com	2728 RIVERBANK DR RIVERBANK	95367
	Cesar Islas	IslasLara@comcast.net	7087 TURNBERRY LN RIVERBANK	95367
	GABRIEL LARA	G.LARA5541@GMAIL.COM	2741 BRIMCLIFF DR RIVERBANK	95367
	MIKE AYALA	Cooper mike@gmail.com	7009 FIRETHORN DR RIVERBANK	95367
	Gloria H Salgado	glsalgado3@gmail.com	7013 FIRETHORN DR RIVERBANK	95367

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Amy Kamstra	sabbkam@gmail.com	2524 River Cove Dr.	95367
	Scott Kamstra	scottkamstra@gmail.com	2524 River Cove Dr.	95367
	INEZ SAUCEDO	dsriverbank@aatt.net	7005 SPANISH GAP AT RIVERBANK	95367
	Danielle Guerrero		7024 Spanish Bay Ct	95367
	YOLANDA SANCHEZ	YSANCHEZ201@yahoo.com	7028 Royal Links Riverbank	95367
	Nancy Broward	nbraward@yahoo.com	7030 Turnberry	95367
	Heather Lowney	hlowell@yahoo.com	2775 Briarcliff Dr.	95367
	Ricardo Martinez	Ricky.1473@yahoo.com	7016 Firethorn Dr	95367

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STOP RIVERBANK PROPOSED RIVER WALK PROJECT

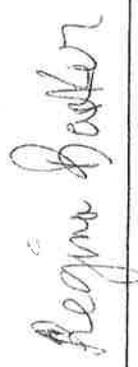
We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
	Alex Dinsman	alex.dinsman@comcast.com	7030 La Costa Ct Riverbank, CA	95367
	Michael Garza	superSport_166@Yahoo.com	2737 Glencagles Dr Riverbank, CA	95367
	_____	_____	7056 Prestwick RIVERBANK CA	95367
	_____	_____	7038 Prestwick Dr RIVERBANK CA	95367
	Jacob Miel	Eckhorn501@gmail.com	7026 prestwick Dr. Riverbank CA	95367
	Elaine Orozco	mceoro200@charter.net	7002 Prestwick Dr River Bank, CA	95367
	Manuel Orozco	mceoro200@charter.net	7002 Prestwick Dr River Bank, CA	95367

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Jack DeWitt	Jackedewitt@gmail.com	2008 Madison St	95367
	Arlene V. Graves	computer broken	7013 Dunbar Ln.	95367
	Karissa Payne	Karissapayne24@gmail.com	2624 Briarcliff dr	95367
	Connie Silveira	MCsilveira@aol.com	274 Briarcliff Dr Riverbank	95367
	Regina Barker		2635 Briarcliff Dr.	95367
	Julie Boos	ja4419@aol.com	2627 Briarcliff dr	95367
	STEVEN MONTANO	taurus0145@aol.com	2521 BRIARCLIFF DR	95367

Copy

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

We the undersigned, strongly object to the **destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders**, along with **increased population, traffic congestion, and multiple adverse environmental affects** that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
	Aranz Harvey	rajca@harvey@hotmail.com	7015 Turnberry Ln 7027 Turnberry Ln	95367 95367
	Michael Ague	ague_mike@yahoo.com		
	MAGDALENA MARTINEZ	holli_sunshine@gmail.com	7033 Turnberry Ln 2858 Steubens St	95367 95367
	Joseph Smallwood	Smallwood209@gmail.com	2858 Stanislaus 7012 Firehorn	95367 95367
	Tanna Shepard	trinityspes29@gmail.com		
	Nicholas Moms	gantil@live.com	7074 Peastock Dr	95367
	Casey MacPherson	Caseymacpherson214@gmail.com	7017 Restwick	95367
	Brooke Dewitt	dewittbrooke8493@yahoo.com	1550 W Main St Huron CA 95308	95304 95304

copy

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	Kristin Barnes	kcbarne21@gmail.com	2517 Briarcliff drive Riverbank CA 95367	95367
	DAN GALVAN	itrustn1@gmail.com	2513 Buena Vista Dr Riverbank Ca	95367
	Jeff Calahorra		7001 Riverbank San Joaquin 95367	95367
	Cheryl Light		7012 Sawgrass Ct Riverbank, CA. 95367	95367
	Irvin Lucero	irvin91768@gmail.com	5718 Antique Roseway Riverbank CA	95367
	Guisela Trujillo	guisela.trujillo@yahoo.com	2300 Gallery Dr. Riverbank	95367
	Kari Infantino	kariinfantino@gmail.com	5614 Chancellor way	95367
	Peter J. Mery	Peter.J.Mery@gmail.com	5676 Chancellor way	95367

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 2/2/12
 [unclear]

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

We the undersigned, strongly object to the **destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders**, along with **increased population, traffic congestion, and multiple adverse environmental affects** that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
	Maria Guzman		5707 Amsterdam Ln	95367
	Kris Miller		2374 Crossingway	95367
	Maria Bonanno		5619 Chandler way	95367
	Denny Lee		2361 Colley Dr	95367
	Tim Bracken	Tim Bracken@gmail.com	2727 Gallenpr	95367
	Vickie Bracken	Vickiebracken@gmail.com	261-985-2471 3327 Colley Dr	95367
	Louis Tomarzi	louis@... [unclear]	5630 Chardel Dr	95367

STOP RIVERBANK PROPOSED RIVER WALK PROJECT

We the undersigned, strongly object to the destruction of prime agricultural flood plain land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore, we respectfully request that this project be denied.

Please write clearly

Signature	Print Name	E-Mail Address	Address	Zip Code
	Brett Berger	BRETT@BergerS.com	0102 GREEN ST MARTINEZ, CA	94553
	PAUL ALEXANDER	PAlexander525@gmail.com	1193 DAVID SENFTLN TRACY CA	95304
	Brandon Alexander	bralexander349@gmail.com	1123 David Senft Ln Tracy CA	95304
	MARCUS B/RNT	MARCUSB/RNT@SBCGLOBAL.NET	165 EAST F ST. RENVIGIA CA 94510	94510
	Ryan Whitehead	Rshilthead@icloud.com	7024 Kemper Rd Modesto, CA 95357	95357
	Paul L. Amos	—	715 Katie Way	
	BRANDON FENLEY	BRANDON@Smcw.com	Turlock CA 95380 6500 Snedigar Oakdale	95361
	LUCAS ROCHA	LUKEBAC@gmail.com	3221 Sunnace Lake Dr Manteca CA	95355
	WILLIAM JAMES LEACH	wjleachsr@yahoo.com	1736 TASCA LN MANTECA	95337

Copy

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land; impacts to ground water wells/aquifer, riparian and wildlife habitat; and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

Signature	Please Print Clearly	E-Mail Address	Home Address	Zip Code
	HERBERT SMART	AKA BOMBARDI.COM AKA DIBOM@AOL.COM	246 CHEYENNE CT OAKDALE CA	95361
	Thomas Bodey	TSEPI@comcast.net	1997 GARDNER WAY MANTON CA 95336	95336
	Gayle Wolf		608 GAYLASH Mead, 9553	95538
	MATT DIAS	MIGERB@Hotmail.com	1610 SYCAMORE MADISON CA	95350
	Ken Meidl	kenstrats@yahoo.com	1115 Amberist Ave MADISON, 95350	95350
	Kelly Murphy	MURPHY710@AOL.COM	2501 PARKLAVE #1 MADISON, CA 95356	95358
	AMY Y. NEWELL	Amy@Sunny1@aol.com	151 S. OAK AVE #12, OAKDALE, CA	95361

copy

STOP THE PROPOSED RIVER WALK HOUSING DEVELOPMENT

We the undersigned, strongly object to the destruction of prime agricultural land, impacts to ground water wells/aquifer, riparian and wildlife habitat, and response time of First Responders, along with increased population, traffic congestion, and multiple adverse environmental affects that this proposed project will generate if allowed to proceed. Therefore we respectfully request that this project be denied.

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MAY 16 2024

DEVELOPMENT SERVICES

May 1, 2024

City of Riverbank
Attn: Miguel Galvez, Contract City Planner
6617 Third Street
Riverbank CA 95367

RE: River Walk Specific Plan/Draft Environmental Impact Report Comments, Riverbank, CA

Dear Mr. Galvez:

I would like to offer the following comments on the proposed River Walk Specific Plan project so that it becomes part of the permanent public record and is included in the Final Environmental Impact Report (EIR) for the referenced project.

In 2016, the City of Riverbank requested and received approval from the Local Agency Formation Commission (LAFCO) to increase its Sphere of Influence (SOI). A requirement for a SOI increase is the preparation of a Municipal Services Review (MSR). Several elements of Riverbank's 2016 MSR are relevant to the River Walk EIR and Specific Plan, as follows:

- Riverbank's current General Plan covers the time frame of 2005-2025. The General Plan assumed an average annual population growth of 5.8% which is highly inflated (Page LAND-2). Using this highly inflated growth rate, Riverbank estimated its population to be 52,500 in 2025 at "buildout" (which is 7 months from now). Riverbank is nowhere near "buildout" or a population of 52,500, in fact, the EIR on Page 3.14-4 projects the population of Riverbank to be 36,766 in the year 2050, or 25 years beyond what the General Plan projects. The California Dept. of Finance's (DOF), E-5 2023 data, shows Riverbank's population was 24,695 on 1/1/23. In addition, the DOF data shows that Riverbank's population on 4/1/2020 was 24,809 which is a decrease in population of 114 persons over the preceding three years. The EIR, however, indicates that Riverbank's 2020 population was 25,133 which is overstated. The EIR needs to reflect accurate population information and estimates, as well as include a discussion of the slow-down in California's population growth and the exodus of people leaving the State.

SV/S

- The overstated 5.8% increase in population that was used in Riverbank's General Plan was pointed out in the MSR as being "more reflective of peak versus average" population growth. In contrast, the MSR used an estimated growth of 1-2% for its analysis which was taken from the 2014 Stanislaus Council of Government's (StanCOG) 2014 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) document as it was the most current available local information at the time. StanCOG updated its RTP/SCS document in 2022 and now estimates that 0.875 percent/year is appropriate for the next 24-year planning horizon, or to the year 2046. The EIR, however, used a 1% increase in the wastewater projections which appears to be over-inflated (Page 3.14-20). Again, the EIR should be using accurate (less than 1%) population growth estimates in its discussions and conclusions.
- Riverbank's 2016 MSR stated the following as part of its request to increase its SOI for the Crossroads West project and other development: In this context, Riverbank intends "to accommodate the City's long-term demands (for growth) over the next 20 years and beyond." If one "does the math" here, a mere 8 years has elapsed since 2016 yet another significant increase to Riverbank's SOI is being proposed: one that would add another 1,500 acres now to the 1,500 that was granted in 2016. Riverbank is nowhere near the "buildout" that was to take 20 years or more, and also is nowhere near its over-inflated General Plan population estimates. Where has the need for this Project been demonstrated just 8 years later? The SOI increase that Riverbank was granted in 2016 should have covered its needs until at least the year 2036, and to date, Riverbank has only annexed approximately 1/3 of the area that was approved for growth in 2016. The Notice of Preparation for this Project was released in June 2021, only 5 years after the 2016 SOI increase. Again, where has the need for this Project been demonstrated? The EIR fails to address the need for this Project and it should.
- Riverbank's 2016 MSR includes an inventory of its Vacant/Underutilized/Downtown area properties that were available for development at that point in time. This inventory determined the following were available: 2,187 gross acres; 1,310 buildable acres; the buildable acres would support 6,566 dwelling units and 2,486,129 square feet of commercial space. It's important to note that this was the amount of available infill development area at the time of the 2016 SOI increase. It's also important to note that StanCOG prepares the Regional Housing Needs Assessment (RHNA) numbers for Stanislaus County jurisdictions. These projections cover a 9-year planning horizon, and were updated in 2022 for the current period through the year 2031. Riverbank's share of the most current RHNA numbers is 3,591. This seems to indicate that without any additional annexations or SOI increases, Riverbank could more than meet its 9-year RHNA goal simply by taking advantage of existing infill development opportunities, yet there is no discussion in the EIR about this. This oversight should be corrected.

- The RHNA numbers developed by StanCOG provide not just total dwelling unit target numbers, rather the numbers are broken down into the following categories: Very Low-income, Low-income, Moderate-income, and Above Moderate-income. The breakdown of Riverbank's current 9-year 3,591 dwelling unit target number is as follows: 970 Very Low, 672 Low – for a combined 45.7% of the total in the Low-income categories, 594 Moderate, and 1,355 Above Moderate. At the March 12, 2024, Riverbank City Council meeting an update on the 2023 Housing Element progress was presented by David Niskanen* with John B. Anderson and Associates for the City, as follows: "No permits were issued for Very Low and Low-income categories. 140 Above-Moderate income building permits were issued for Single-Family Dwellings... Five (5) building permits were issued for the Moderate-income category Accessory Dwelling Units (ADUs)." So, with nearly half of the RHNA goal being needed to come from the Very Low and Low-income goal categories, zero progress was made in Year 1. At the Council meeting on April 9, 2024, staff presented a summary of Riverbank's progress on meeting the RHNA goals for the prior 9-year planning period (2014-2023) of 1,280 dwelling units as follows: All total, Riverbank achieved 10% of the Very Low-income goal, 18% of the Low-income goal, less than 3% (2.3% to be exact) of the Moderate-income goal, and 80% of the Above Moderate-income goal. In fact, the only progress made in both the Very-Low and Low-income categories was made in a single year, 2016, during the entire multi-year cycle, and the only progress made in the Moderate-income category was made in 2023 by virtue of 5 ADUs. Clearly these numbers reflect that the only real progress being made is in the Above Moderate-income category, and in fact, staff's comments about this were, "we are falling behind in (Riverbank's) provision for Moderate, Low, and Very Low-income households." Staff also made these comments during this April 9, 2024, Council presentation: The City must "strategically plan for, but not necessarily meet or build" the RHNA dwelling units, and "There isn't demand for \$750,000 homes." Agreed, the need in Riverbank is for Very Low-, Low- and Moderate-income homes which is not what the River Walk Project would provide. In contrast, the EIR states on Page 2.0-7 that the "Purpose" of the Project is three-fold: "expansion of the SOI, to increase the housing supply" and to address the "affordability crisis" in California. Considering staff's admission that Riverbank is "falling behind" in meeting the housing needs of these three lowest income levels in their population base, how does this Project help them meet this need? The EIR does not address this and it should. The Project does not meet its stated purpose of addressing California's "affordability crisis."
- One online source of statistical data, called "Point 2" contains the following information: The average household income in Riverbank is \$109,682 with a median income of \$75,216. They note the poverty rate as 13.3%. And looking at the E-5 2023 DOF data for the period between 2020 and 2023, it mirrors that Riverbank is "falling behind" because it shows zero growth in the following types of dwelling units: Single Attached, 2-4 Units, 5+ Units, and Mobile Homes. Again, how does this Project address the "affordability crisis" in CA? This is unclear and should be addressed. *While cities often "tout" that they must meet their RHNA numbers as a way to "justify" the approval of development projects, Mr. Niskanen also stated the following in his presentation on March 12, 2024: The requirements do "not require the City to build the housing units identified in the RHNA and solve all of the housing problems," and "the crackdown is not for cities that are trying to meet the RHNA." In other words, the "crackdown" is intended for those cities who do not demonstrate a good faith effort to meet their RHNA numbers. How does

the Project demonstrate a good faith effort to meet Riverbank's RHNA numbers? The EIR does not address this and it should.

- Riverbank's 2016 MSR pointed out (Page 93, Section 5.2) that it was not currently meeting the City's General Plan goal of at least an ISO (Public Protection Classification) Rating of Class 2 for fire protection. To address this unmet need, the City proposed a new station but "the exact location had not yet been determined." The MSR also pointed out that, in order to meet the Class 2 ISO rating, the City would need to "increase its staffing and expand their number of fire stations." The MSR on Page 30 says, "the long-range goals include a second station near Crossroads West. The location is not finalized but a potential site is at the corner of Crawford and Coffee. A third station is to be located in eastern Riverbank. The specific location and timing is yet to be determined. The (fire department) does not have a Fire Management Protection Master Plan."

Has any progress toward this end been made in 8 years? Is there a Fire Master Plan now in place? The EIR points out that Riverbank is still not meeting the Class 2 ISO rating and says this: "The Fire District has 'an interest in' a site on Morrill Road approximately ½ mile south of the Plan Area" (Page 2.0-29). Page 3.12-2 of the EIR says that the closest fire station is 1.9 miles away from the Project, with the farthest point of the Project being 4.4 miles away. What does having an "interest in" a possible location mean and how does this guarantee proper fire protection service? Given all of this, how can the EIR have concluded that the Fire Safety impact of the project is "less than significant" (Page ES 48)? Having an ISO rating of below Class 2 is inconsistent with the City's General Plan. The location for the new fire station also seems to be a moving target so what is the guarantee that it will happen and where?

- Riverbank's 2016 MSR included a discussion about existing wastewater treatment plant (WWTP) capacity, which is permitted for a peak of 7.9M gallons per day (mgd). Table 17 of the MSR concluded that the wastewater flow would be 6.63 mgd at "buildout" and, therefore, the existing capacity was sufficient to support the SOI increase at buildout. In contrast to this, the EIR states on page 3.14-2 that while the WWTP is permitted for 7.9 mgd, the "actual is closer to approximately 1.6 mgd." If the "actual" capacity of the WWTP is approximately 1.6 mgd, this was not reported/disclosed in the 2016 MSR. How did the capacity magically change so significantly between 2016 and now? If the "actual" capacity had been disclosed in 2016, the SOI increase might not have been approve-able. In addition, the MSR stated on Page 46: "At this time the City does not have future improvements or plans for increasing the capacity of the WWTP." Please clarify what the capacity of the WWTP is and why these statements seem to be in conflict with one another. Page 3.14-4 of the EIR discusses future flows of wastewater and states that projected flows are "based on population growth to 2050." As was pointed out above, the EIR has used overstated projections which should be corrected, although it concludes that 2.29 mgd capacity will be needed. This is well within the 7.9 mgd permitted capacity but below the "approximate 1.6 mgd." Again, clarification of the WWTP capacity is needed. In addition, the Riverbank City Council approved a significant, multi-year wastewater rate increase effective January 2023. Many times during public Council meetings, including during the December 2022 Public Hearing for the rate increase, city staff and their consultant(s) stated that improvements and expansion of the WWTP were necessary for both "existing

May 14, 2024

Page 5

River Walk Specific Plan/EIR Comments

(residents/businesses) and new growth.” How is it that an expansion of the WWTP is necessary for the “existing” population when the 2016 MSR concluded there was more than adequate capacity for the entire buildout of the SOI increase area? Finally, Page 3.14-18 of the EIR states that the Project would require 0.69 mgd of capacity. If you take the prior SOI increase's buildout need for 6.63 mgd and add the Project's need for 0.69 mgd, this = 7.32 mgd which is still within the WWTP permitted capacity of 7.9 mgd. Please explain these “disconnects.”

The EIR's analysis fails to include adequate discussions of the above-noted topics and should be revised. Once revised, it should be recirculated for review and comment so that reviewers have all of the necessary information with which to properly evaluate this proposed Project



Jami Aggers, M.A., R.E.H.S.

Director, Stanislaus County Dept. of Environmental Resources (2012-2021, Ret.)

7730 McHenry Ave

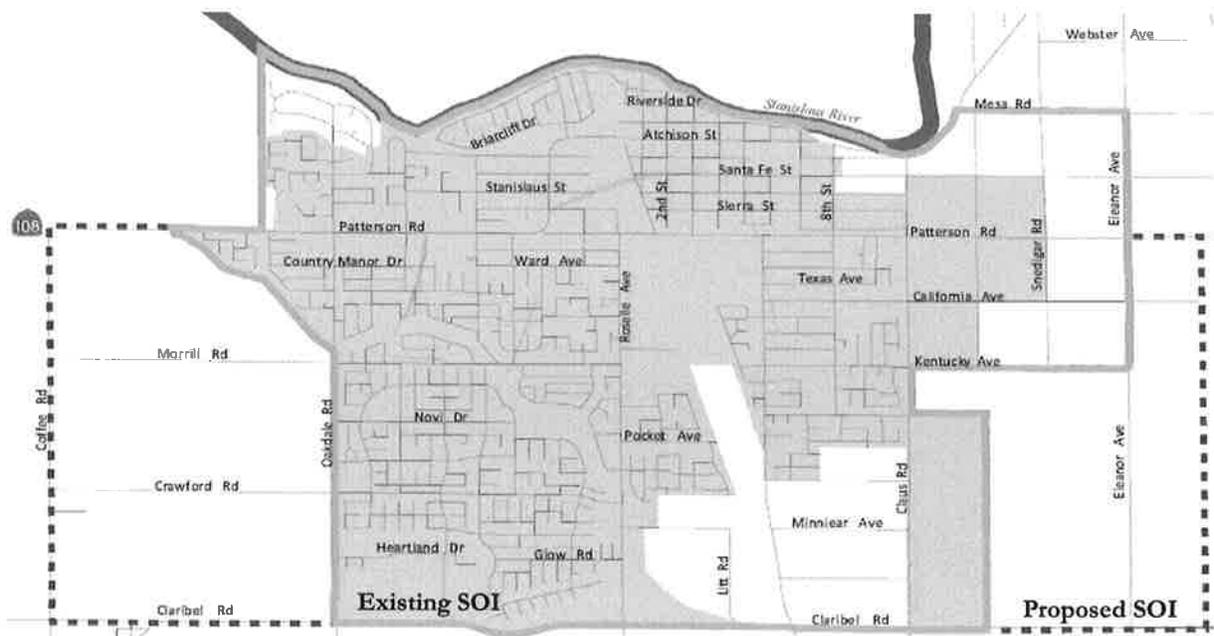
Modesto, CA 95356

Enclosures: Riverbank's 2016 Municipal Services Evaluation by LAFCO, Pages 1-49, 93-98
Specific Plan Content, Page IMP-12 & 13 of the City's 2005-2025 General Plan
Excerpt from the Riverbank City Council Agenda item 11.11, April 9, 2024



CITY OF RIVERBANK

**MUNICIPAL SERVICE REVIEW &
SPHERE OF INFLUENCE UPDATE**



Final Draft
Prepared By:



Adopted: July 27, 2016

February 2016

STANISLAUS
LOCAL AGENCY FORMATION COMMISSION

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1. INTRODUCTION

The Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, Government Code section 56000 *et seq.* (“**CKH Act**”)¹ requires Stanislaus County Local Agency Formation Commission (“**Stanislaus LAFCO**” or “**LAFCO**”) to review and update spheres of influence for all applicable jurisdictions in the County. A sphere of influence is defined as “a plan for the probable physical boundary and service area of a local agency, as determined by the Commission.” (§ 56076.) The CKH Act further requires that a Municipal Service Review (“**MSR**”) be conducted prior to, or in conjunction with, the update of a sphere of influence.

The legislative authority for conducting an MSR is provided in section 56430 of the CKH Act. The CKH Act states, “in order to prepare and to update spheres of influence in accordance with section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area...” This Municipal Service Review will analyze the existing and future services for the City of Riverbank.

Municipal Service Review Factors to be Addressed

A Municipal Service Review must have written determinations that address the following factors:

1. Growth and population projections for the affected area.
2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.
4. Financial ability of agencies to provide services.
5. Status of, and opportunities for, shared facilities.
6. Accountability for community service needs, including governmental structure and operational efficiencies.
7. Any other matter related to effective or efficient service delivery, as required by Commission policy.

Accordingly, this document is divided into sections that will discuss and provide determinations for each of the above factors.

¹ Unless otherwise noted, all statutory references herein will be to the California Government Code.

Sphere of Influence Update Process

The purpose of a sphere of influence (“**SOI**”) is to encourage logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities. In simple terms, an SOI is a planning boundary within which a city or district is expected to grow over time. An SOI serves a similar function in LAFCO determinations as General Plans do for cities and counties. Consistency with the adopted SOI is critical, and changes to the SOI require careful review.

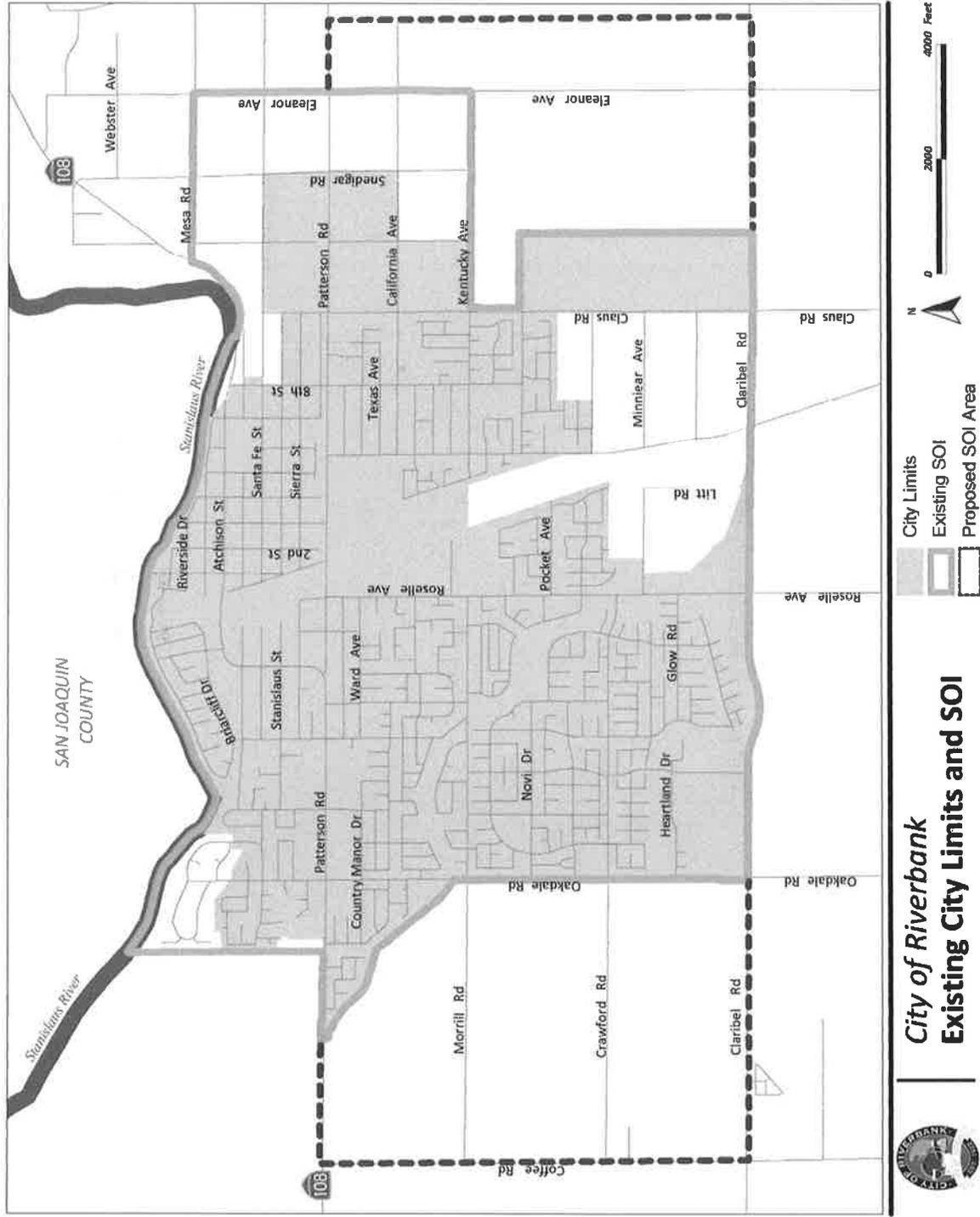
An MSR must be prepared and updated to establish, update or confirm an existing SOI and the MSR must address the seven determinations previously outlined. Stanislaus LAFCO generally processes the Municipal Service Review and Sphere of Influence Update concurrently to ensure efficient use of resources.

1.1 BACKGROUND

The City of Riverbank was incorporated in 1922 and originally consisted of 340 acres. The City is located along the southern bank of the Stanislaus River in northern Stanislaus County. The southern extent of Riverbank’s city limits and its current sphere of influence is along Claribel Road, as shown in Figure 1 below, and is adjacent to the City of Modesto’s sphere of influence.

The City adopted a comprehensive update to its General Plan in 2009, which identifies the City’s long-range view of its desired future. The Land Use Element of the General Plan designates a planning area beyond the City’s existing SOI. The Municipal Service Review update of 2013 was used by LAFCO to reaffirm the City’s current SOI, as identified in Figure 1. The purpose of this MSR Update is to request to modify the City’s current SOI to include additional territory in the “Primary Area of Influence” and “Sphere of Influence.” The SOI Update is discussed later in this MSR document.

Figure 1: Current Sphere of Influence & City Limits



**City of Riverbank
Existing City Limits and SOI**

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2. SPHERE OF INFLUENCE PLAN

The CKH Act defines a sphere of influence as “a plan for the probable physical boundaries and service area of a local agency, as determined by the commission.” (§ 56076.) It is through spheres of influence that LAFCO is given the responsibility of “planning and shaping the logical and orderly development of local governmental agencies.” (§ 56425.)

The CKH Act describes SOIs as an important tool for planning and shaping the logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the county and its communities. (§ 56425.) The SOI boundary and written determinations adopted by LAFCO serve as a guide for the provision of services within the SOI. The Municipal Service Review (“MSR”) should provide LAFCO with a clear indication of whether an agency has the services available to support an SOI boundary.

LAFCO creates, amends, and updates spheres of influence to indicate to local agencies and property owners that, at some future date, a particular area is anticipated to require the level of municipal services offered by the subject agency. It also indicates to other potential service providers which agency LAFCO believes to be the best situated to offer the services in question. Stanislaus LAFCO defines a Sphere of Influence and Primary Area of Influence as:

- **Sphere of Influence:** A plan for the probable physical boundaries and service area of a local agency as determined by the Commission. The area around a local agency within which territory is eligible for annexation and the extension of urban services within a twenty year period (0-20 year period).
- **Primary Area of Influence:** The area around a local agency within which territory is eligible for annexation and the extension of urban services within a 0-10 year period.

The Current Sphere of Influence for the City of Riverbank, as adopted by the Commission in 1997, is shown in Figure 1.

2.1. PURPOSE

LAFCO designates a sphere of influence line for each local agency that represents the agency's probable physical boundary. The SOI includes territory eligible for annexation and the extension of that agency's services within a zero to twenty-year period. LAFCO also designates a Primary Area of Influence line for a local agency which represents the agency's short-term growth area, eligible for annexation and extension of urban services within a zero to ten year period.

State law stipulates that LAFCOs review and update SOIs every five years, as necessary. This current review proposes to expand the City's existing SOI.

The City's SOI was originally adopted by LAFCO in 1984 and contained approximately 2,720 acres (including the City limits). Since its original adoption, nearly 30 years ago, the Commission has made few modifications to the City's SOI. The most recent modification, in 1997, redesignated 630 acres within the existing SOI to the Primary Area in order to accommodate the concurrent annexation of the Crossroads Specific Plan area (in the southwest portion of the City). The City's current Sphere of Influence contains a total of 3,371 acres (or 708 acres beyond the current City limits).

Approximately 307 acres within the City's current Sphere of Influence (beyond the current City limits) are designated as Primary Area of Influence. This acreage includes the existing residential development located just northwest of the City limits (River Heights subdivision area), rural residential areas located northeast of the City (a portion of the Bruinville area), and the area east of the Burlington Northern Santa Fe Railroad and north of Minniear Avenue.

This MSR/SOI Update document will be used to guide the expansion of the City's SOI Boundary, consistent with the City's General Plan, to include the proposed Crossroads West Specific Plan and an area east of Eleanor Avenue. Updating the City's SOI will provide opportunity for future annexations of lands within the SOI into the City's boundaries, following approval from Stanislaus LAFCO.

2.2 PROPOSED ACTION

The City of Riverbank intends to update the MSR and increase its SOI (and Primary Area of Influence) by approximately 1,390 acres. Specific changes to the SOI include the following:

- Extend the existing Primary Area of Influence boundary west to Coffee Road to include the entirety of the proposed Crossroads West Specific Plan (404± acres) and east to Eleanor Avenue (353 acres) – 758± acres.
- Extend the existing SOI boundary west to Coffee Road and east past Eleanor Avenue – 722 acres.
- Total proposed increase to the SOI – 1,479± acres.
- Total SOI would result in 2,187 acres, including the City's existing SOI of 708± acres.
- The City's SOI would contain a total of 4,850 acres (or 2,187± acres beyond the current City limits).

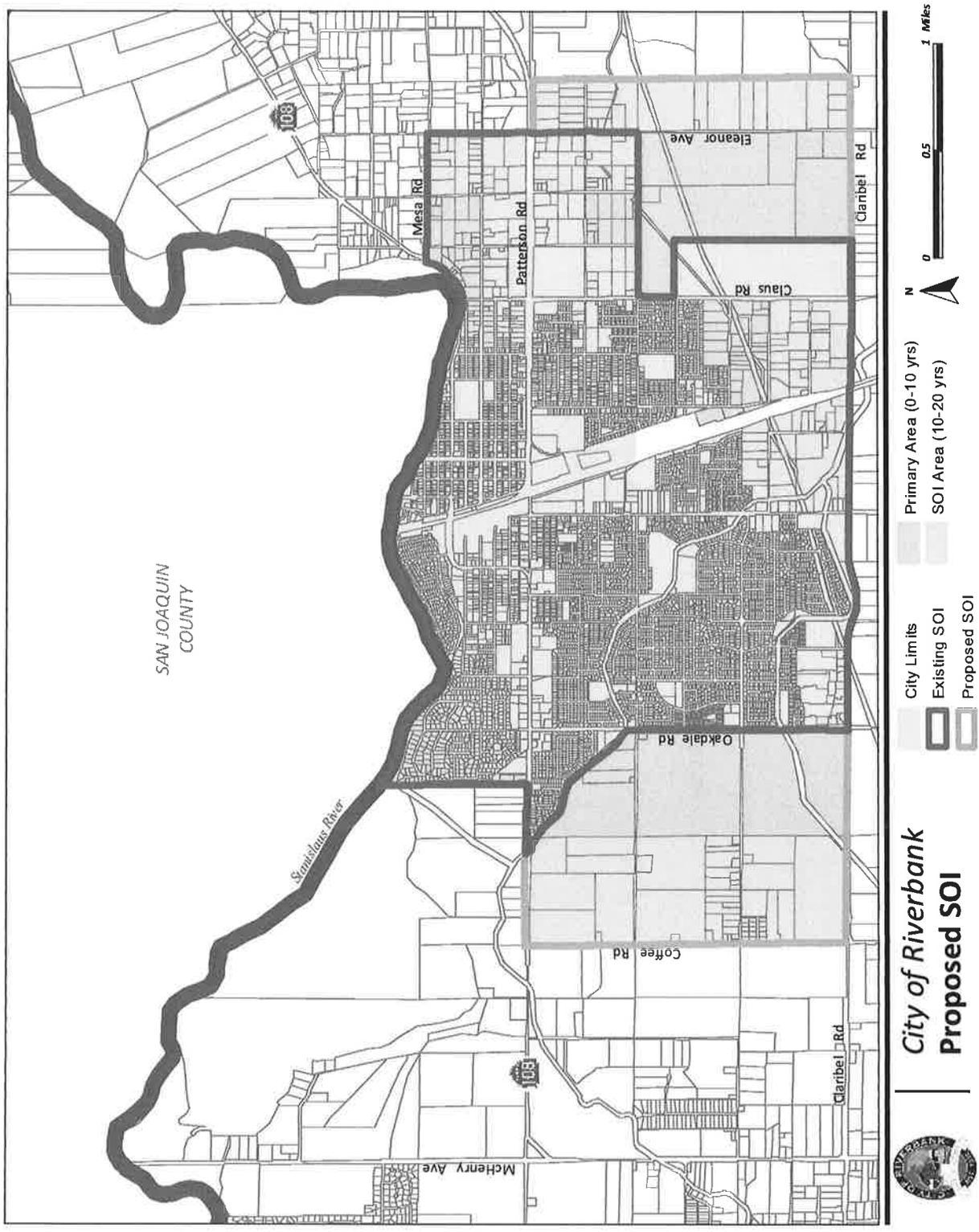
Summary of Proposed Sphere of Influence

	Including Lands In City Limits	Excluding Lands In City Limits
Current SOI Acreage	3,371 acres	708 acres
Proposed SOI Acreage	4,850 acres	2,187 acres
Overall SOI Acreage Increase	1,479 acres	1,479 acres

Together, these changes comprise what will be henceforth referred to as the proposed action, or proposed SOI expansion. Figure 2 shows the proposed SOI boundaries along with the context of Riverbank. Additionally, the proposed SOI expansion is further detailed by General Plan Land Use Designation and projected population in Section 3: Municipal Service Review.

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Figure 2: Proposed Sphere of Influence



City of Riverbank
Proposed SOI

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2.3 APPLICABLE CITY POLICIES

The proposed SOI expansion is within the City's General Plan Area and is identified for future urbanization as well as opportunities for open space. In addition, the proposed SOI expansion is consistent with the General Plan Land Use Element. Relevant policies identified in the General Plan are as follows:

Goal LAND-1 – Managed Urban Growth that Benefits the Entire Community

Policy LAND-1.1 – The City will only allow annexation of land that is: 1) adjacent to existing, developed portions of the City, or, 2) adjacent to lands with available urban services and located within an area designated in the General Plan for urban development.

Policy LAND-1.3 – Annexation will be preceded by a City evaluation to determine the level of urban services necessary and financing of infrastructure and services by annexation proponents.

Policy LAND-1.4 – Existing infrastructure in areas seeking annexation will be evaluated to determine the costs necessary to bring such infrastructure up to City standards.

Policy LAND-1.5 – The City will pre-zone land within the Sphere of Influence consistent with the General Plan prior to annexation.

2.4 CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City of Riverbank's proposed SOI expansion is subject to review under the California Environmental Quality Act (Pub. Res. Code § 21000 et seq., "CEQA"; 14 Cal. Code Reg. § 15000 et seq., the "CEQA Guidelines"). Where a project has been previously analyzed at a programmatic level, the CEQA standard for supplemental environmental review applies:

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

(Pub. Res. Code § 21166.)

The City of Riverbank included the proposed SOI expansion as part of its Planning Area in its 2005-2025 General Plan Update (“General Plan”). In addition, future SOI expansions related to the Planning Area (including the proposed SOI expansion) were included as part of the Project Description and analyzed as part of the programmatic environmental review of the General Plan EIR (SCH#2006092051), which the City Council certified in 2009. (General Plan EIR, p. 3-19, 3-19.) The proposed SOI expansion therefore constitutes a portion of the project that was analyzed under the General Plan EIR.

The General Plan Land Use Diagram, as analyzed under the General Plan EIR and provided below for reference in Figure 3, shows the land use designations of the General Plan area, including those portions of the Planning Area that include the proposed SOI expansion.

The General Plan EIR noted that the City would seek SOI expansions in phases, with the intent that the build-out assumptions of each proposed SOI expansion would be consistent with the build-out assumptions analyzed in the General Plan EIR. (General Plan EIR, p. 3-18, 3-19) The General Plan EIR analyzed build-out of the entire General Plan Planning Area, which assumed maximum build-out of the City and the proposed Planning Area would reach a population of approximately 52,500, with the addition of approximately 10,700 new dwelling units, and 3,300,000 additional square feet of commercial and industrial building space. (General Plan EIR, p. 3-18, 3-19.)

The General Plan EIR determined that build-out of the Planning Area, as a whole, would result in significant impacts to (1) aesthetics and scenic vistas; (2) agricultural resources from the loss of prime farmland, Williamson Act contracts, and agricultural conversion; (3) air quality impacts due to construction-related activities, long-term operational emissions, toxic air contaminants and odors; (4) noise from transportation-related activities, and stationary sources; (5) traffic and transportation impacts related to levels of service for three roadways and one railroad crossing; and (6) utilities, where the expansion of water supply and treatment facilities may result in construction-related and other environmental impacts.

The City of Riverbank has reviewed the proposed SOI expansion and found that it falls within the programmatic analysis provided in the General Plan EIR, as the footprint of the proposed SOI expansion was included within the Planning Area of the General Plan EIR. The proposed SOI expansion therefore does not contain any new or significant changes, circumstances or information that varies from the build-out assumptions that were analyzed under the General Plan EIR.

3. MUNICIPAL SERVICE REVIEW

3.1 GROWTH & POPULATION PROJECTIONS FOR THE AFFECTED AREA

The purpose of this section is to identify anticipated growth patterns and population projections. A detailed discussion on existing and future provision of municipal services to meet the future demand identified in this section is included in the third section of this Municipal Service Review (“MSR”).

Population Growth

According to the U.S. Census data, the City of Riverbank's population in 2010 was 22,678. Development under the adopted 2005-2025 General Plan ("GP") could accommodate an estimated 10,700 new housing units for a potential of 17,800 total units at buildout. The estimated population at buildout of the General Plan is 52,500 persons (or an increase of 29,822 from 2010). This amount of population growth assumes an average annual growth rate of approximately 5.8 percent, a figure more reflective of Riverbank's peak growth period. Actual growth rates will depend on a variety of factors including, demographic, economic, and market conditions as compared to the General Plan's buildout projection. The most recent population estimate for the City, developed by the California Department of Finance ("DOF"), indicates that the City's population, as of January 1st, 2015 is 23,485.

Historically, population growth rates rose from the 1960's through the 1990's, with the average annual growth rate peaking at 6.4%. Throughout the 2000's and into 2012, the population growth rate plummeted, although the overall average annual growth rate between 2000-2010 was 3.6%. Recent population projections were developed by the Stanislaus Council of Governments ("StanCOG") as part of the 2014 Regional Transportation Plan / Sustainable Communities Strategy ("RTP/SCS"), a long-range regional land use and transportation planning document. The RTP/SCS estimates that Riverbank's population will grow, on average, by a rate that fluctuates between 1 and 2 percent annually, with an estimated population of 39,198 by 2045 (see Table 1 below). The U.S. Census estimated Riverbank's population to be 22,678 in 2010. The projections below show an increase of 15,016 in a 35-year period starting from 2010.

Table 1 - Current and Projected Population

Year	Annual Growth Rate	Estimated Population	Net New Population	Compound Growth
1990	-	8,547	-	-
2000	6.35%	15,826	7,279	7,279
2010	3.66%	22,678	6,852	14,131
2015	0.77%	23,485	807	14,938
2020	2.11%	27,627	2,638	17,576
2025	1.91%	30,265	2,638	20,214
2030	1.74%	32,903	2,638	22,852
2035	1.25%	34,961	2,058	24,910
2040	1.18%	37,019	2,058	26,968
2045	1.18%	39,198	2,179	29,147

Source: U.S. Census, 2010 Census, StanCOG, Department of Finance

Regional Housing Needs Assessment

In accordance with State law, the City must prepare a Housing Element as part of its General Plan that identifies existing and projected housing needs during the nine-year update cycle. As part of the 2014 Housing Element update cycle, Stanislaus Council of Governments ("StanCOG") prepared a Regional Housing Needs Assessment ("RHNA") for each jurisdiction in the county and assigned Riverbank a "Fair Share Allocation" of future housing units.

StanCOG's RHNA, covering the period of January 1, 2014 to September 30, 2023, assigned Riverbank 1,280 total units, consisting of 321 units for very-low income, 206 for low-income, 217 for moderate income, and 536 for above-moderate income. The Draft 2014-2023 Housing Element shows that with existing vacant and underutilized land within the City limits, Riverbank could meet its RHNA. Lands within the City's Sphere of Influence ("SOI") and proposed Crossroads West Specific Plan were analyzed as well.

Current Plans

The City of Riverbank long-range growth and future improvement needs are based upon the 2005-2025 General Plan, adopted on April 22, 2009. The City's General Plan projects the locations and land use types for future growth for the City of Riverbank and the General Plan Area, including the City's current and proposed SOI.

As shown below, the General Plan anticipated a mix of land uses within the General Plan Area and SOI, including the proposed SOI expansion. Land uses include residential, commercial, industrial/business park, open space, and buffer/greenspace.

Potential Build-Out of the City

The following tables represent the potential build-out of lands within the City limits of Riverbank. The inventory includes vacant and underutilized parcels as well as lands within the Downtown Specific Plan area (including the Cannery Site).

Table 2 below represents the vacant residential parcels within the City. As shown below, there are 84.34 acres of parcels within the City limits that are vacant, accounting for a potential population of 1,352 persons.

Table 2 – Vacant Residential Parcels within the City Limits

General Plan Designation	Average Density	Gross Acres	Net Buildable Acres	Dwelling Units	Population (3.42 per HH)
Clustered Rural Residential (RR)	0.2 units per acre	0.00	0.00	0.00	0.00
Lower-Density Residential (LDR)	5 units per acre	64.72	45.30	226.52	774.70
Medium-Density Residential (MDR)	10 units per acre	13.99	9.79	97.93	334.92
Higher-Density Residential (HDR)	18 units per acre	5.63	3.94	70.94	242.61
Mixed-Use (MU)	18 units per acre	0.00	0.00	0.00	0.00
Total		84.34	59.04	395.39	1,352

Table 3 represents the underutilized parcels within the City. Excluded parcels include sites in which meet one or more of the following categories:

- Are located such that the provision of public services and infrastructure would be problematic and have significant environmental constraints;
- Have Williamson Act contracts;
- Are planned for schools, parks, or other public uses;
- Are larger than one-half (1/2) acre in size; and
- Have existing structures or improvements that cannot be easily removed without incurring a significant cost (for example, sites containing more than a few outbuildings or a single dwelling).

As shown below, underutilized parcels within the City include 53 acres and have the potential to increase the population by 1,138 persons.

Table 3 – Underutilized Parcels within the City

General Plan Designation	Average Density	Gross Acres	Net Buildable Acres	Dwelling Units	Population (3.42 per HH)
Clustered Rural Residential (RR)	0.2 units per acre	0.00	0.00	0.00	0.00
Lower-Density Residential (LDR)	5 units per acre	36.79	25.75	128.77	440.38
Medium-Density Residential (MDR)	10 units per acre	1.01	0.71	7.07	24.18
Higher-Density Residential (HDR)	18 units per acre	13.38	9.37	168.59	576.57
Mixed-Use (MU)	18 units per acre	2.24	1.57	28.22	96.53
Total		53.42	37.39	332.65	1,138

Table 4 represents vacant and underutilized land within the Downtown Specific Plan (“DTSP”). Most notably, the Cannery Site, which is a 28 acre Mixed Use plan area. These sites within the Downtown Specific Plan can potentially increase the population by 1,404 persons.

Table 4 – Vacant and Underutilized Parcels within the DTSP

General Plan Designation	Average Density	Gross Acres	Net Buildable Acres	Dwelling Units	Population (3.42 per HH)
Clustered Rural Residential (RR)	0.2 units per acre	0.00	0.00	0.00	0.00
Lower-Density Residential (LDR)	5 units per acre	0.00	0.00	0.00	0.00
Medium-Density Residential (MDR)	10 units per acre	0.22	0.15	1.54	5.27
Higher-Density Residential (HDR)	18 units per acre	0.55	0.39	6.93	23.70
Mixed-Use (MU)	18 units per acre	31.90	22.33	401.94	1,374.63
Total		32.67	22.87	410.41	1,404

In total, the vacant and underutilized parcels, including those parcels located within the Downtown Specific Plan could potentially increase the population by 3,893 persons at build-out. Table 5 below represents the total acres and population increase as a result of the build-out of vacant and underutilized sites within the City.

Table 5 – Total Vacant and Underutilized Parcels within the City

General Plan Designation	Average Density	Gross Acres	Net Buildable Acres	Dwelling Units	Population (3.42 per HH)
Clustered Rural Residential (RR)	0.2 units per acre	0.00	0.00	0.00	0.00
Lower-Density Residential (LDR)	5 units per acre	101.51	71.06	355.29	1215.07
Medium-Density Residential (MDR)	10 units per acre	15.22	10.65	106.54	364.37
Higher-Density Residential (HDR)	18 units per acre	19.56	13.69	246.46	842.88
Mixed-Use (MU)	18 units per acre	34.14	23.90	430.16	1471.16
Total		170.43	119.30	1138.45	3,893

Effects of the Build-Out of the City (Lands within the City Limits)

The potential increase in population as a result of the build-out of vacant and underutilized parcels within the City, as shown in Table 5 above, is 3,893 persons. The current population, as estimated by the Department of Finance and shown in Table 1 is 23,485. Including the potential build-out of lands within the City limits, as shown in the tables above, the population could increase to 27,378. Taking into account the population projections for the City included in Table

1 (Current and Projected Population), the City could reach this point in population by the year 2020. The proposed SOI expansion includes the expansion of the City's Primary Area of Influence and would ensure that the City has adequate land to reasonably expand beyond the date above. As discussed below, the Primary Area of Influence includes areas within the proposed Crossroads West Specific Plan and areas east of the Riverbank Industrial Complex. There are a mixture of land uses in both of these areas that would accommodate Riverbank's growth, including residential, industrial and commercial.

Crossroads West Specific Plan

The Crossroads West Specific Plan is a proposed specific plan containing approximately 386 acres, located west of Oakdale Road, on the western edge of the City, in unincorporated Stanislaus County. This area is in addition to the existing specific plan known as the Crossroad Specific Plan.

The proposed Crossroads West Specific Plan area is generally bounded by Modesto Irrigation District ("MID") Lateral #6 to the north, Oakdale Road to the east, Claribel Road to the south and ranch/agriculture properties to the west. It is identified in the 2025 General Plan as a mix of land uses, including commercial, civic, low density to high density residential and the location of a Regional Sports Complex along Eleanor Avenue. The proposed 386-acre specific plan accommodates this mix of land uses and is an area of future growth for the City. The proposed Crossroads West Specific Plan area is located within the Primary Area of Influence in the proposed SOI expansion.

Sphere of Influence Capacity

The City of Riverbank has projected land use demands through the City's 2025 General Plan and is shown in Tables 6 through 11. This acreage is categorized by the expansion of the Primary Area, proposed SOI expansion and total SOI as a result. As a result, the following land use assumptions intend to accommodate the City's long-term demands over the next 20 years and beyond. Each land use density is determined by the General Plan build-out assumptions and population totals are calculated utilizing the U.S. Census, 2010 Census for persons per household. The following tables are organized and result in the following:

- Current SOI – 708 acres
- Expansion of Primary Area – 758 acres
 - *Crossroads West - 404 acres*
 - *East Industrial Area – 353 acres*
- Expansion of Sphere of Influence – 722 acres
 - *West to Coffee Road – 485 acres*
 - *East past Eleanor Avenue – 237 acres*
- Total SOI, including current SOI – 2,187 acres

Population projections below utilize the City's General Plan build-out assumptions as well as U.S. Census, 2010 census data. The following list of assumptions was used:

- Average Density for each General Plan Designation matches the City's General Plan assumptions for General Plan build-out.
- Total gross acres include all properties within the Sphere of Influence, including Primary Area and Future Growth Area. Street Right-of-Way is assumed to be 98 acres within the

current SOI. The calculated right-of-way within the Primary SOI and SOI is 163.39 acres.

- Net Buildable Acres is calculated as seventy (70) percent of the Gross Acres. Assumes no net loss of acres for land uses such as Buffer/Greenway/Open Space and Parks.
- Population is calculated utilizing the U.S. Census, 2010 Census data for persons per household (3.42).
- Building square footage matches the City's General Plan build-out density of 0.25 FAR.
- Square footages were determined through the Stanislaus County Geographical Information System ("GIS") and Assessor's Parcel Number ("APN").

Population projections for the proposed SOI expansion are detailed below. The City's current SOI, as shown in Table 6 below, includes 708 acres. At build-out, this could equate to an increase in population of 7,442 and new industrial/business park and commercial square footage of 838,639 square feet. Out of the 708 acres, 59.5 acres are currently developed to full potential, including the River Heights Subdivision and parcels located within the eastern section of Riverbank.

Table 6 – Current Sphere of Influence

General Plan Designation	Average Density	Gross Acres	Net Buildable Acres	Dwelling Units	Population (3.42 per HH)	Building Sq. Ft.
Clustered Rural Residential (RR)	0.2 units per acre	0.00	0.00	0.00	0.00	N/A
Lower-Density Residential (LDR)	5 units per acre	246.85	172.79	863.97	2954.79	N/A
Medium-Density Residential (MDR)	10 units per acre	131.24	91.87	918.70	3141.97	N/A
Higher-Density Residential (HDR)	18 units per acre	26.27	18.39	331.00	1132.03	N/A
Mixed-Use (MU)	18 units per acre	4.95	3.47	62.41	213.43	29,054.30
Parks (P)	N/A	5.00	N/A	N/A	N/A	N/A
Buffer/Greenway/Open Space (B/G/OS)	N/A	12.05	N/A	N/A	N/A	N/A
Civic	N/A	10.39	N/A	N/A	N/A	N/A
Multi-Use Recreation/Resource Management (MUR/R)	N/A	4.02	N/A	N/A	N/A	N/A
Community Commercial (CC)	0.25 FAR	0.00	0.00	N/A	N/A	0.00
Industrial / Business Park (I/BP)	0.25 FAR	109.33	76.53	N/A	N/A	809,584.42
BNSF and ROW	N/A	98.10	N/A	N/A	N/A	N/A
River Heights (Developed)	N/A	52.37	N/A	N/A	N/A	N/A
East Riverbank Parcels (Developed)	N/A	7.13	N/A	N/A	N/A	N/A
Total		707.70	363.05	2,176	7,442	838,639

As described in Table 6, the proposed SOI expansion includes expanding the City's SOI Primary Area by 758 acres. Table 7 represents the General Plan Land Use Designations of the properties within the proposed expansion and population is calculated as an increase of 8,476 persons at build-out. General Plan Land Uses within the proposed expansion of the Primary Area include a mix of residential at varying densities, commercial and industrial / business park.

Table 7 – Proposed Expansion of Primary Area of Influence

General Plan Designation	Average Density	Gross Acres	Net Buildable Acres	Dwelling Units	Population (3.42 per HH)	Commercial Sq. Ft.
Clustered Rural Residential (RR)	0.2 units per acre	0.00	0.00	0.00	0.00	N/A
Lower-Density Residential (LDR)	5 units per acre	203.18	142.23	711.13	2432.06	N/A
Medium-Density Residential (MDR)	10 units per acre	209.26	146.48	1464.83	5009.71	N/A
Higher-Density Residential (HDR)	18 units per acre	18.92	13.24	238.39	815.30	N/A
Mixed-Use (MU)	18 units per acre	5.08	3.56	64.03	218.98	29,809.40
Parks (P)	N/A	48.67	N/A	N/A	N/A	N/A
Buffer/Greenway/Open Space (B/G/OS)	N/A	8.57	N/A	N/A	N/A	N/A
Civic	N/A	34.89	N/A	N/A	N/A	N/A
Multi-Use Recreation/Resource Management (MUR/R)	N/A	13.80	N/A	N/A	N/A	N/A
Community Commercial (CC)	0.25 FAR	87.31	61.12	N/A	N/A	658,373.00
Industrial / Business Park (I/BP)	0.25 FAR	98.76	69.13	N/A	N/A	731,347.43
Right-of-Way	N/A	29.22	N/A	N/A	N/A	N/A
Total		757.66	435.76	2,478.38	8,476	1,419,830

Of the 758 acres within the proposed Primary Area of Influence, approximately 404 acres are located within the proposed Crossroads West Specific Plan Area, including right of way. ("ROW"). Table 8 represents the current General Plan Land Use Designations within the 404-acre proposed Crossroads West Specific Plan area.

Table 8 – Proposed Expansion of Primary Area of Influence – Crossroads West

General Plan Designation	Average Density	Gross Acres	Net Buildable Acres	Dwelling Units	Population (3.42 per HH)	Commercial Sq. Ft.
Clustered Rural Residential (RR)	0.2 units per acre	0.00	0.00	0.00	0.00	N/A
Lower-Density Residential (LDR)	5 units per acre	111.28	77.90	389.48	1332.01	N/A
Medium-Density Residential (MDR)	10 units per acre	122.28	85.59	855.92	2927.26	N/A
Higher-Density Residential (HDR)	18 units per acre	10.58	7.41	133.32	455.96	N/A
Mixed-Use (MU)	18 units per acre	5.08	3.56	64.03	218.98	29,809.40
Parks (P)	N/A	42.00	N/A	N/A	N/A	N/A
Buffer/Greenway/Open Space (B/G/OS)	N/A	0.00	N/A	N/A	N/A	N/A
Civic	N/A	34.89	N/A	N/A	N/A	N/A
Multi-Use Recreation/Resource Management (MUR/R)	N/A	0.00	N/A	N/A	N/A	N/A
Community Commercial (CC)	0.25 FAR	59.51	41.66	N/A	N/A	448,952.58
Industrial / Business Park (I/BP)	0.25 FAR	0.00	0.00	N/A	N/A	0.00
Right-of-Way	N/A	18.42	N/A	N/A	N/A	N/A
Total		404.04	216.11	1442.75	4,934	478,762

Table 9 represents the remaining expansion of the Primary Area of Influence, located east of the Riverbank Industrial Complex (“RIC”) and includes 353.62 acres. Of the 354 acres, 220 acres is considered to be net-buildable when factoring in Right-of-Way (“ROW”) take.

Table 9 – Proposed Expansion of Primary Area of Influence – East Industrial Area

General Plan Designation	Average Density	Gross Acres	Net Buildable Acres	Dwelling Units	Population (3.42 per HH)	Commercial Sq. Ft.
Clustered Rural Residential (RR)	0.2 units per acre	0.00	0.00	0.00	0.00	N/A
Lower-Density Residential (LDR)	5 units per acre	91.90	64.33	321.65	1100.04	N/A
Medium-Density Residential (MDR)	10 units per acre	86.98	60.89	608.86	2082.30	N/A
Higher-Density Residential (HDR)	18 units per acre	8.34	5.84	105.08	359.39	N/A
Mixed-Use (MU)	18 units per acre	0.00	0.00	0.00	0.00	0.00
Parks (P)	N/A	6.67	N/A	N/A	N/A	N/A
Buffer/Greenway/Open Space (B/G/OS)	N/A	8.57	N/A	N/A	N/A	N/A
Civic	N/A	0.00	N/A	N/A	N/A	N/A
Multi-Use Recreation/Resource Management (MUR/R)	N/A	13.80	N/A	N/A	N/A	N/A
Community Commercial (CC)	0.25 FAR	27.80	19.46	N/A	N/A	209,720.42
Industrial / Business Park (I/BP)	0.25 FAR	98.76	69.13	N/A	N/A	731,347.43
Right-of-Way		10.80	N/A	N/A	N/A	N/A
Total		353.62	219.65	1035.59	3,542	941,068

The proposed SOI expansion includes expanding the City's Sphere of Influence by approximately 723 acres. Table 10 represents the General Plan Land Use Designations of the properties within the proposed expansion and population is calculated to increase by approximately 6,537 at build-out.

Table 10 – Proposed Expansion of Sphere of Influence

General Plan Designation	Average Density	Gross Acres	Net Buildable Acres	Dwelling Units	Population (3.42 per HH)	Commercial Sq. Ft.
Clustered Rural Residential (RR)	0.2 units per acre	200.17	200.17	40.03	136.92	N/A
Lower-Density Residential (LDR)	5 units per acre	300.10	210.07	1,050.36	3,592.25	N/A
Medium-Density Residential (MDR)	10 units per acre	109.06	76.34	763.39	2,610.80	N/A
Higher-Density Residential (HDR)	18 units per acre	4.58	3.21	57.70	197.32	N/A
Mixed-Use (MU)	18 units per acre	0.00	0.00	0.00	0.00	0.00
Parks (P)	N/A	8.78	N/A	N/A	N/A	N/A
Buffer/Greenway/Open Space (B/G/OS)	N/A	8.80	N/A	N/A	N/A	N/A
Civic	N/A	24.37	N/A	N/A	N/A	N/A
Multi-Use Recreation/Resource Management (MUR/R)	N/A	0.00	N/A	N/A	N/A	N/A
Community Commercial (CC)	0.25 FAR	0.69	0.48	N/A	N/A	5,205.29
Industrial / Business Park (I/BP)	0.25 FAR	36.07	21.03	N/A	N/A	222,455.21
Right-of-Way	N/A	36.07	N/A	N/A	N/A	N/A
Total		722.66	511.30	1,911	6,537	227,661

Table 11 represents the proposed SOI expansion, including the City's current SOI of 708 acres. The total SOI as a result of this action would be 2,187 gross acres and would result in an estimated population increase of 22,456 at build-out. Additionally, commercial and industrial square footage is estimated to increase by 2,486,129 square feet at build-out. It is important to note that this table includes areas within the proposed Primary Area (0 – 10 years) and Sphere of Influence (0-20 years) and that build-out would occur overtime.

Table 11 – Proposed Total SOI Expansion

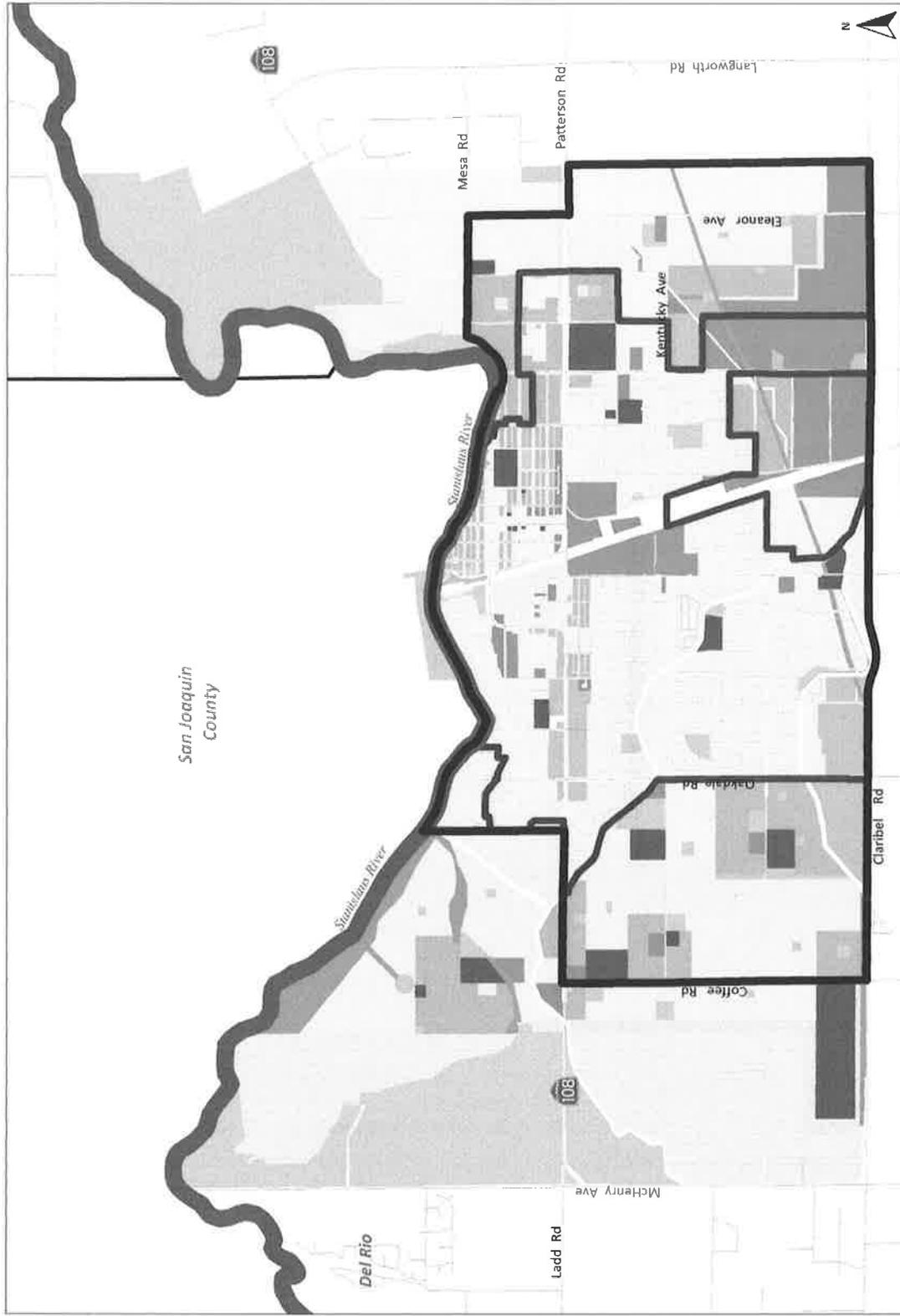
General Plan Designation	Average Density	Gross Acres	Net Buildable Acres	Dwelling Units	Population (3.42 per HH)	Commercial Sq. Ft.
Clustered Rural Residential (RR)	0.2 units per acre	200.17	200.17	40.03	136.92	N/A
Lower-Density Residential (LDR)	5 units per acre	750.13	525.09	2,625.47	8,979.10	N/A
Medium-Density Residential (MDR)	10 units per acre	449.56	314.69	3,146.92	10,762.48	N/A
Higher-Density Residential (HDR)	18 units per acre	49.77	34.84	627.09	2,144.65	N/A
Mixed-Use (MU)	18 units per acre	10.03	7.02	627.09	2,144.65	58,863.70
Parks (P)	N/A	62.45	N/A	N/A	N/A	N/A
Buffer/Greenway/Open Space (B/G/OS)	N/A	29.42	N/A	N/A	N/A	N/A
Civic	N/A	69.64	N/A	N/A	N/A	N/A
Multi-Use Recreation/Resource Management (MUR/R)	N/A	17.82	N/A	N/A	N/A	N/A
Community Commercial (CC)	0.25 FAR	88.00	61.60	N/A	N/A	663,878.29
Industrial / Business Park (I/BP)	0.25 FAR	238.13	166.69	N/A	N/A	1,763,387.06
Right-of-Way	N/A	163.39	N/A	N/A	N/A	N/A
River Heights	N/A	52.37	N/A	N/A	N/A	N/A
East Riverbank Developed Parcels	N/A	7.13	N/A	N/A	N/A	N/A
Total		2,187	1,310	6,566	22,456	2,486,129
Note: Includes the Existing Sphere of Influence. 708± gross acres.						

Effects of Sphere of Influence Plan

All of the areas proposed to be included in the proposed SOI expansion are already within the City's General Plan Area and identified for future urbanization through a mix of land uses described in Table 11 and the proposed Crossroads West Specific Plan. In addition, the proposed SOI expansion is consistent with the General Plan's Land Use Element as discussed in Section 2.3

As discussed in Table 11, build-out of the proposed SOI expansion would result in an estimated population increase of 22,456 and 2,486,129 square feet of additional commercial and industrial square footage.

Figure 3: General Plan Map Proposed SOI



**City of Riverbank
General Plan &
Proposed Sphere of Influence**

- Proposed SOI
- AG
- B/G/OS
- C
- C/C
- HDR
- I/BP
- LDR
- MDR
- MU
- MUR/R
- P
- R
- RR
- City limits

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Projected Population

There are a number of factors that contribute to the projected population of the City of Riverbank. Table 12 shows the projected population of the City of Riverbank, taking into account the current population, projected population by 2045, projected population as a result of the build-out of the City and projected population as a result of the build-out of the current and proposed Sphere of Influence. The City's 2025 General Plan projects that the population

Table 12 – Projected Population

Date	Population	Dwelling Units
Current - 2015	23,485	6,867
Projected Build-out within existing City limits	3,893	1,138
Projected Build-out under proposed SOI expansion	22,456	6,566
Total Projected	49,834	14,571

The City's 2025 General Plan projects the population to increase to 49,834 at build-out.

3.2 THE LOCATION AND CHARACTERISTICS OF ANY DISADVANTAGED UNINCORPORATED COMMUNITIES WITHIN OR CONTIGUOUS TO THE SPHERE OF INFLUENCE

Senate Bill 244, which became effective January 1, 2012, requires all LAFCOs to consider the location and characteristics of any disadvantaged unincorporated communities within or contiguous to the SOI of cities or special districts. (§ 56430(a)(2).) Under Section 56033.5, the definition of a disadvantaged unincorporated community is an inhabited territory (12 or more registered voters) that is composed of no less than 10 dwelling units adjacent or in close proximity to one another with a median household income of 80 percent or less than the statewide median household income (\$49,546)². The proposed SOI is comprised of one (1) Stanislaus County Census tract: 4.02. This census tract does not qualify as disadvantaged unincorporated communities because the median household income is greater than the statewide median household income at \$82,346³

Upon review of available Census data, and identified communities in the unincorporated areas of the County, no disadvantaged unincorporated communities were found within or contiguous to the City's Sphere of Influence or the proposed expansion area.

² California Department of Finance, E-5, 2014

³ U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates

3.3 PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES, ADEQUACY OF PUBLIC SERVICES, AND INFRASTRUCTURE NEEDS OR DEFICIENCIES INCLUDING NEEDS OR DEFICIENCIES RELATED TO SEWERS, MUNICIPAL AND INDUSTRIAL WATER, & STRUCTURAL FIRE PROTECTION IN ANY DISADVANTAGED, UNINCORPORATED COMMUNITIES WITHIN OR CONTIGUOUS TO THE SPHERE OF INFLUENCE

The purpose of this section is to evaluate the present and planned capacity of public facilities, infrastructure needs and any deficiencies of the City of Riverbank in terms of capacity, condition of facilities, service quality, and levels of service; and the relationship of public facilities to existing and planned service users. As indicated previously, there are no disadvantaged unincorporated communities within or contiguous to the City's proposed SOI expansion.

This section of the MSR will address the provision of the following public services, some of which are directly provided by the City, and others which are provided through contract or by special districts:

- Fire Protection
- Law Enforcement
- Water
- Wastewater Collection and Treatment
- Stormwater Drainage

Each service area is analyzed in terms of the current level of service and proposed future level of service. The current level of service examines the City's existing infrastructure and the services currently being provided. The future level of service reviews the planned improvements and service expansions of the City relative to the proposed SOI expansion.

Overview

As shown in Table 13, Riverbank provides a wide range of municipal services, such as general government services, potable water, wastewater collection and disposal, stormwater drainage, roadways and parks. The City contracts with other providers for additional services, such as law enforcement and solid waste, when it is shown to be a more cost effective alternative. Other services, such as fire protection, libraries, schools and mosquito abatement are already provided by separate agencies or districts.

As property from the Sphere of Influence is annexed into Riverbank, the service provider will change to the City for the majority of services currently provided through the County. With annexation, there may be an overall increase in cost to properties in the SOI related to provision of services; however, residents and businesses in the SOI would be receiving access to an urban level of services, such as water, sewer and storm drainage that may not be currently available in the SOI.

Table 13 - Summary of Service Providers for the SOI Area

Service Provider	Existing	After Annexation
General Government	Stanislaus County	City of Riverbank
Fire Protection	Stanislaus Consolidated Fire Protection District	Same
Law Enforcement	Stanislaus County Sheriff	Riverbank Police Services (contract with Stanislaus County Sheriff)
Water	Private wells	City of Riverbank
Irrigation	Oakdale Irrigation District and Modesto Irrigation District	City of Riverbank
Wastewater	Private septic systems	City of Riverbank
Stormwater Drainage	On-site	City of Riverbank
Roadways/Circulation	Stanislaus County	City of Riverbank
Parks and Recreation	Stanislaus County	City of Riverbank
Solid Waste	Contracted Private Firm	Gilton
Mosquito Abatement	Eastside Mosquito Abatement District	Same
Animal Control	City of Oakdale (contract)	Same
Schools	Riverbank Unified School District Sylvan Unified School District	Same

The City updated its infrastructure master plans in coordination with its General Plan update (water, wastewater, stormwater drainage) in 2009. For each of these respective systems, the master plans describe the current service capabilities, future needs, as well as recommended improvements to be implemented. Additional information has been ascertained as to each infrastructure system's capacity and ability to address future development.

Additionally, the City's General Plan sets forth policies that are intended to ensure that new development provides public facilities and services required to serve new neighborhoods without diminishing the quality of services to current residents and businesses. The City also seeks to maintain and enhance the level of service within the existing City limits.

Fire Protection

Stanislaus Consolidated Fire Protection District (SCFPD) provides fire protection and first response to emergencies for the City of Riverbank, as well as the unincorporated area within its Sphere of Influence. SCFPD has eleven (11) fire stations throughout Stanislaus County and currently has 81 paid employees (79 full-time and 2 part-time) and approximately 25 volunteers. SCFPD handles in excess of 4,200 calls per year, ranging from medical aids, structural fires, hazardous materials responses, wildland fires, and miscellaneous calls.

Table 14 below summarizes the staffing and equipment located at SCFPD Station No. 36

Table 14 – Station No. 36 Summary

Station Number	Station Address	Apparatus	Staffing
36	3318 Topeka Street Riverbank, CA 95367	2 Type-1 engines 1 Ladder Tender 1 Brush Engine 1 Small Rescue Boat 1 Tow Vehicle	1 Caption 1 Engineer 1 Firefighter Intern Firefighters

SCFPD has mutual aid agreements with all Stanislaus County fire protection agencies and automatic aid agreements with multiple agencies, including:

Cal Fire (CDF)
City of Ceres Fire Division
City of Modesto Fire Department

Denair Fire Protection District
Hughson Fire Protection District
Salida Fire Protection District

The Oakdale City Fire Department and the Oakdale Fire Protection District (“FPD”) executed a 5-year contract with the Stanislaus Consolidated Fire District on September 1, 2014 to provide services in the Oakdale region.

In 2014, SCFPD Station No. 36 received 1,790 calls for service. Out of this, 154 calls were fire related, 1,083 were EMS/Rescue related and 301 were considered good intent. The District as a whole responded to 4,235 incidents during the same period. Table 15 below breaks down the calls for service that Fire Station No. 36 received in 2014.

Table 15 – 2014 Incident Type Response Summary

Station	Fire	EMS/ Rescue	Hazardous Condition	Service Call	Good Intent	False Call	Rupture/ Explosion	Severe Weather	Other
No. 36	154	1,083	32	156	301	46	4	0	14
Total									1,790

The current ISO rating in the City is Class 4. As included in General Plan Policy PUBLIC 7.5, the City's goal is for an ISO rating of Class 2. The ISO rating (Public Protection Classification (“PPC”)) is completed whenever it appears that there is a possibility of a classification change. The ISO rating measures and evaluates information on fire suppression capabilities. For SCFPD, this survey was completed in 2014.

SCFPD's long-range goals also include constructing a second fire station near the proposed Crossroads West Specific Plan. The location has not been finalized but a potential site is at the corner of Crawford and Coffee Road. A third fire station is to be located in the Bruinville area

(eastern section of Riverbank). The specific location and timing is yet to be determined. SCFPD does not have a Fire Management Protection Master Plan.⁴

Provisions for Future Growth and System Improvements

It is anticipated that future development under the City's General plan will require additional fire protection staff in order to meet future service needs. The Public Services and Facilities Element of the General Plan includes goals and policies to ensure adequate fire personnel related facilities are funded and provided to meet future growth. These policies include:

Goal PUBLIC-7: Fire Protection Services, Staffing, and Development Adequate to Serve the Needs of Existing and Planned Development.

Policy PUBLIC 7.1: The City will ensure that adequate fire flow pressure is available in relation to structure size, design, requirements for construction, and/or built-in-fire protection systems.

Policy PUBLIC 7.2: For new development, the City will require a minimum fire flow pressure of 1,500 GPM (sustainable for at least two hours) for residential use. For new development, the City will require minimum fire flow pressure of approximately 3,600 GPM (sustainable for longer periods) for larger residences and for other building types, depending on the particular use and structure characteristics, and in coordination with the fire service provider.

Policy PUBLIC 7.3: The City will require that fire stations be located to ensure the appropriate level of service (including adequate response time per Policy 7.5), community compatibility, and efficiency, including the location of such facilities relative to existing and planned public parks, libraries, and other activity centers.

Policy PUBLIC 7.4: The City will coordinate with fire protection providers, including through reciprocity arrangements, to ensure equipment, staffing, and facilities for emergency medical services, urban search and rescue, hazardous materials emergency response, and other relevant needs, as appropriate. The City will ensure consistency with National Fire Protection Association and Stanislaus Consolidated Fire Protection District response requirements.

Policy PUBLIC 7.5: The City will coordinate with fire protection providers to an emergency response system capable of achieving the following standards in 95% of all cases: first fire emergency response unit within six minutes of dispatch; full alarm assignment within 10 minutes of dispatch; second alarm assignment within 15 minutes of dispatch; and an Insurance Service Office (ISO) rating of Class 2 for areas within the City.

The FY 2014-2015 budget for SCFPD was \$11,974,242. Of this, approximately \$6.2 million came from special assessments, \$2.1 million came from secured property taxes, and \$1.5 and \$1.4 million came from contract revenue from the City of Oakdale and Oakdale FPD, respectively.

⁴ Tim Spears, Personal Communication, December 2015

Law Enforcement

The City of Riverbank is served under contract by the Stanislaus County Sheriff through Riverbank Police Services. Riverbank's police station is located at 6727 Third Street in downtown Riverbank. Staffing includes one (1) Lieutenant (Chief of Police), two (2) Sergeants, fifteen (15) Deputy Sheriffs/Detectives, one (1) Supervising Legal Clerk, two (2) Legal Clerks and one (1) Community Service Officer. In total, eighteen (18) sworn officers provide police services within the City of Riverbank.

The contract between the Stanislaus County Sheriff and the City specifies a minimum of 0.85 officers per thousand residents. General Plan Policy PUBLIC 8.2 establishes a goal or future target for the City to provide 1.25 sworn officers per 1,000 residents. The City's population as of January 1, 2015 was 23,485⁵. The current ratio is approximately 0.77 officers per thousand residents.

The City's total budget for Riverbank Police Services in Fiscal Year 2015-2016 is \$3,808,800. According to the City's FY 2015/16 adopted budget, there are two (2) unfunded positions within the Riverbank Police Services Department: one (1) Deputy Sheriff and one (1) Detective. Once these positions are funded, the City will reach its targeted contract rate of 0.85 officers per thousand residents.

Riverbank Police Services received 571 priority 1 calls for service in 2014. Response time for Priority 1 (life-threatening) calls averaged 2:26 minutes, which is within the City's General Plan goal.

The City receives funding for law enforcement improvements through capital improvement fees, and regular funding of the Police Department occurs through the General Fund.

Provisions for Future Growth and System Improvements

Approved and pending development projects in the City will result in additional demand for law enforcement services. Capital costs for new facilities and equipment would be funded through development impact fees, and operating costs would be funded through a combination of an increased tax base and the formation of community facility districts ("CFD"). In this regard, the Riverbank City Council adopted Resolution 2006-016, which requires all properties included in the boundaries of the Bruinville Public Facilities Master Plan to participate in the formation of a Police and Parks Community Facilities District as described in the Facilities Master Plan. The Bruinville Public Facilities Master Plan area is bounded by Patterson Road to the south and Mesa Drive to the north and located in the eastern portion of the City. In addition, the Public Services and Facilities Element of the General Plan includes goals and policies to ensure adequate police services and facilities are funded and provided to meet future growth. These policies include:

Goal PUBLIC-8: Police Enforcement Services, Staffing and Development Adequate to Serve the Needs of Existing and Planned Development

⁵ State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State – January 1, 2011-2015. Sacramento, California, May 2015.

Policy PUBLIC 8.1: New development shall fund and/or construct adequate law enforcement facilities to serve new growth areas, as required, in coordination with law enforcement service providers.

Policy PUBLIC 8.2: The City's goal is to provide 1.25 sworn officers per 1,000 residents. The City will plan and budget and coordinate with service providers with this service standard as a goal.

Policy PUBLIC 8.3: The City will coordinate with law enforcement service providers to ensure a four-minute average response time for emergency calls within the City.

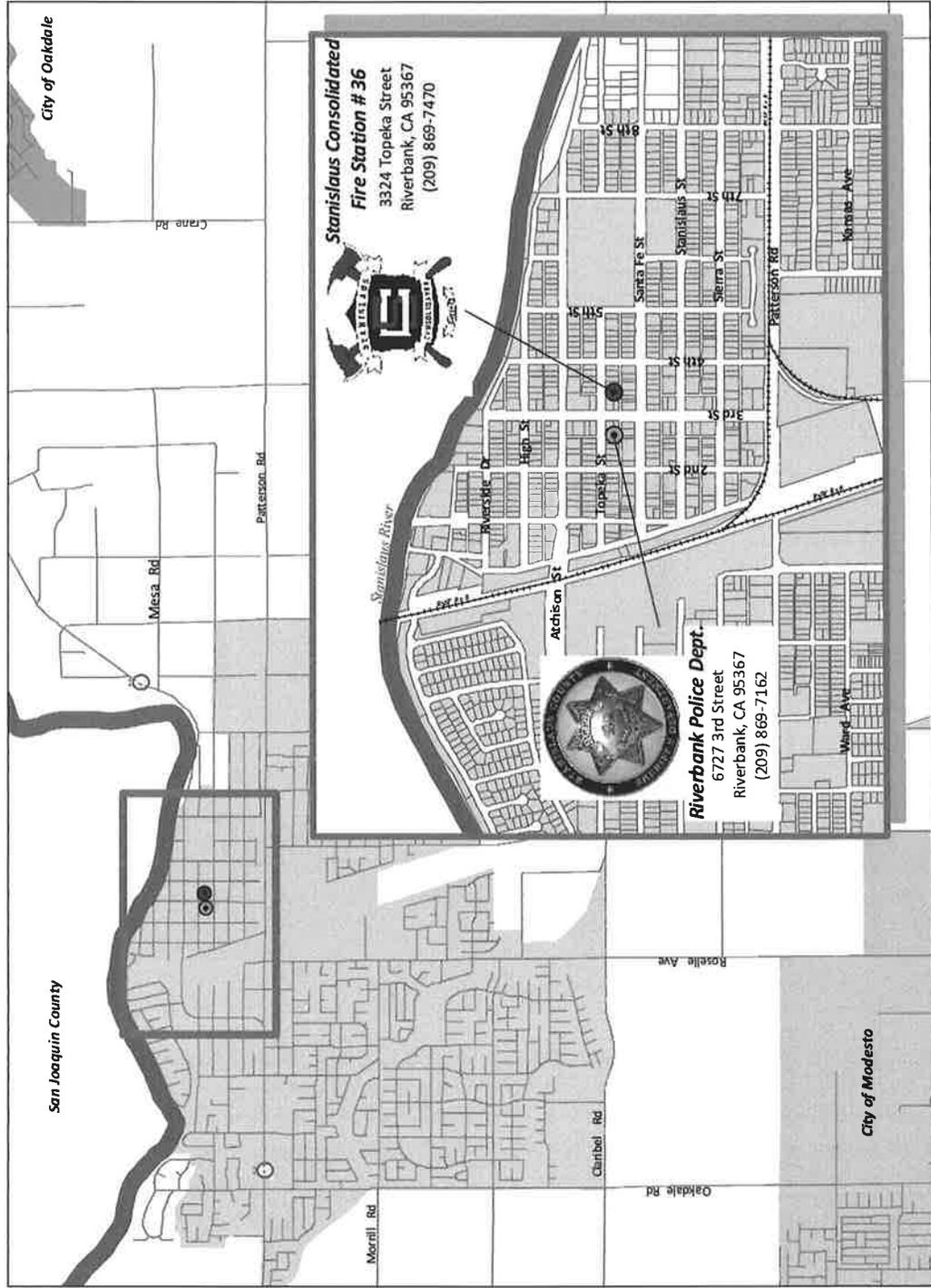
Policy PUBLIC 8.4: The City will require design of structures, streetscapes, pathways, project sites, and other elements of the urban environment to allow for surveillance of publicly accessible areas.

Policy PUBLIC 8.5 The City will coordinate with applicable law enforcement service providers to ensure adequate funding, staffing, training, and direction to provide City residents with responsive and effective law enforcement services of all types, including investigative, patrol, and other non-emergency services.

As shown above, the City has adopted a police staffing level of 1.25 officers per 1,000 residents. The City considers response time to be the most important indicator of police services. Current response times are well within the General Plan policy of ensuring a four-minute average response.

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Figure 4: Emergency Services Locations



**City of Riverbank
 Emergency Services**

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Water

The City of Riverbank Public Works Department is the potable water service provider for the City. City staff is responsible for maintaining and repairing the water system. Groundwater is the sole source for potable water supply. Currently, there are ten active wells serving the City, with a maximum pumping capacity of 10,375 gallons per minute (gpm). The City has also identified a site known as Water Well # 11 that will be used as needed, to accommodate the needs of current and future growth, consistent with the City's General Plan. The distribution system is comprised of over 44 miles of pipelines of 8 to 10 inches in diameter, as well as several miles of 4 to 6 inch diameter pipelines. Existing potable water storage facilities consist of two above-ground storage tanks located at Second Street and Saxon Way. Each storage tank has a capacity of approximately one million gallons and each includes a booster pump station with three pumps. As identified in the City of Riverbank's 2010 Urban Water Management Plan, the City had approximately 7,148 water service connections. The majority of these connections served residential uses (6,860 connections), while the remaining connections served commercial and government users (247), industrial users (13), and 28 other users.

Table 16: City of Riverbank Groundwater Well Capacity

Water Well	Capacity (Gallons Per Minute)	Total Annual Usage (Acre-Feet per Year)
#2 – 8 th Street	660 GPM	448 af/yr
#3 – Jackson	625 GPM	287 af/yr
#4 – Pioneer	900 GPM	580 af/yr
#5 – River Heights	900 GPM	348 af/yr
#6 – Whorton	1,000 GPM	164 af/yr
#7 – Crossroads	1,200 GPM	383 af/yr
#8 – Novi	1,200 GPM	74 af/yr
#9 – Prospector	1,300 GPM	298 af/yr
#10 – Heartland	1,700 GPM	132 af/yr
#12 – Chief Tucker	1,700 GPM	1,322 af/yr
Totals:	10,375 GPM	4,036 af/yr

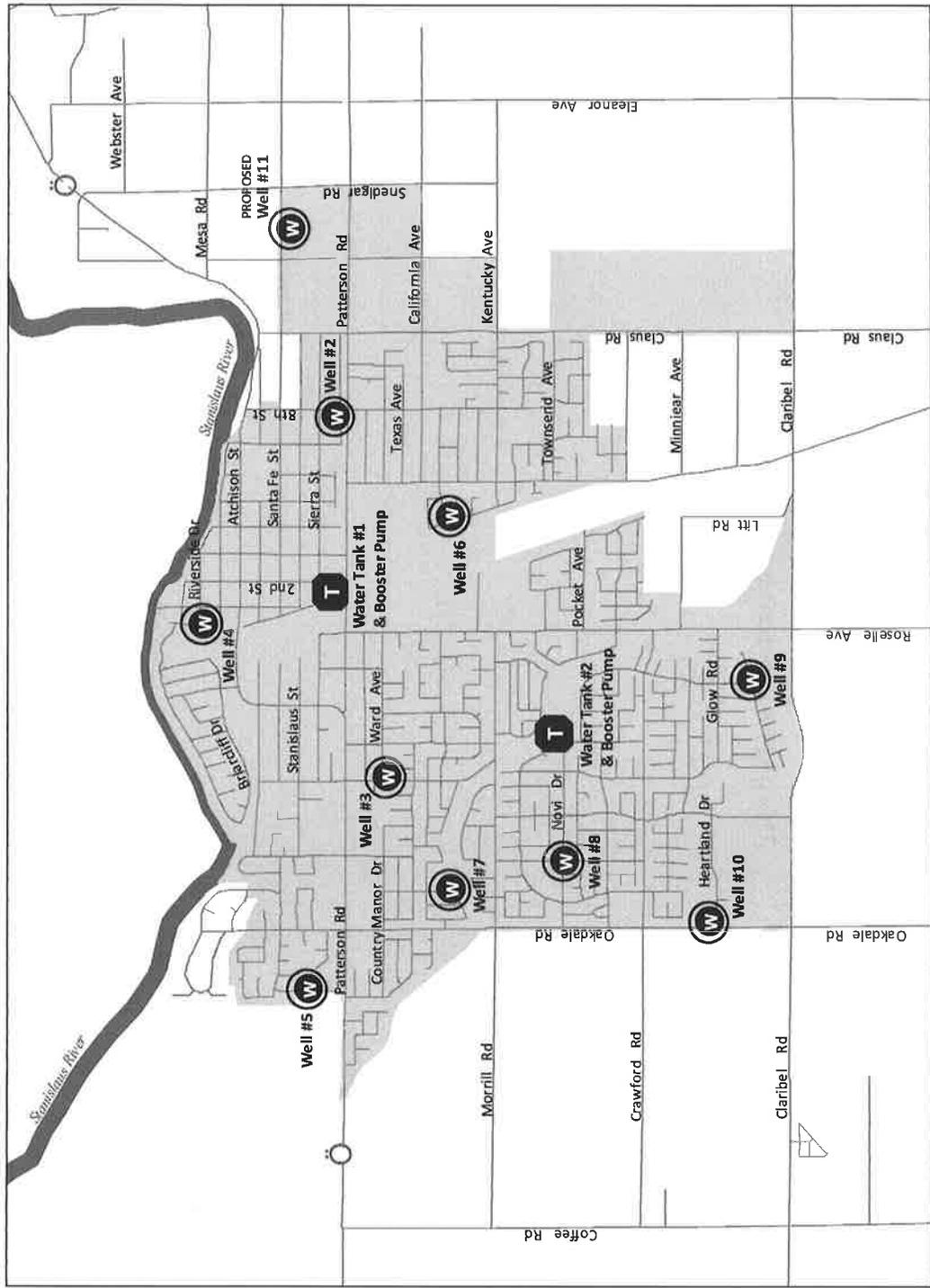
Source: 2014 Water Well Readings, Public Works

The City adopted an Urban Water Management Plan (“UWMP”) on January 27, 2015 that includes an assessment of groundwater supply and demand in the City's General Plan area. The City is currently in the process of updating the UWMP but does not so far anticipate any change in the 2010 UWMP assumptions. This area, which encompasses the City's existing SOI and City limits, overlies the Modesto Groundwater Subbasin. Other users in the subbasin, which covers approximately 247,000 acres, include the City of Modesto, City of Oakdale, Modesto Irrigation District, and Oakdale Irrigation District. These agencies are members of the Stanislaus and Tuolumne Rivers Groundwater Basin Association for coordinated planning and management of the subbasin.

According to the City's 2010 UWMP, water demand for the entire subbasin was estimated to be 590,000 acre-feet per year (af/yr) in 2000. Groundwater accounted for 206,500 af/yr of total supply and total recharge in the subbasin was approximately 310,000 af/yr, the largest source of

this recharge being from irrigation. Based on a comparison of current recharge factors and projected demands, the UWMP determined that groundwater supplies in the subbasin will meet or exceed future water demands, even during extended drought conditions. Furthermore, assuming no recharge conditions, the current City groundwater usage of 4,036 af/yr is less than 1% of the total annual sub basin withdrawals and less than 1/10th of 1% of the total estimated storage capacity of the basin. Therefore, the document concluded that there is adequate groundwater to supply existing development in the City of Riverbank, as well as for planned development contemplated in the City's General Plan.

Figure 5: City of Riverbank Water Wells



**City of Riverbank
Water Well & Water Tank Sites**

- Existing Water Well Site
- Existing Water Tank Site



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Water Quality & Reliability

Groundwater resources in the Modesto Subbasin were analyzed as part of an Integrated Regional Groundwater Management Plan (IRGMP) prepared in 2005. In the Riverbank area, groundwater lies approximately 60 feet below ground. According to IRGMP, groundwater levels in the area have remained relatively consistent over 40 years.

Groundwater quality at existing City wells has been excellent and has not required purification treatment. Possible contaminating activities have been identified in the City's General Plan area, including those at the Thunderbolt Wood Processing and the Riverbank Army Ammunitions Plant (RAAP). Elevated concentrations of chromium and cyanide are historically present in the upper aquifers in the RAAP area. The contamination migrated in a westerly direction, offsite, but has been limited to the upper aquifer and has not required mitigation at City water wells to date. Remediation of the groundwater contamination in the RAAP area is ongoing through groundwater extraction and regular monitoring. The RAAP area currently operates its own water system, separate from the City's system that serves the entire facility. Water treatment is accomplished at the well head by gas chlorination.

Existing Demand and Short-Term Improvements

The City of Riverbank prepared a Water Supply Study and Water Master Plan (Water Master Plan) in November 2007 to ensure that the City system can adequately meet the demands of development goals adopted by the City in its General Plan. The Water Master Plan addresses four major issues: 1) projected water demands based on land uses from the General Plan; 2) the future supply and distribution system to accommodate expanded service areas; 3) the capacity and condition of the existing distribution system; and 4) a phased Capital Improvement Program (CIP) that provides appropriate infrastructure to support growth while remedying existing system deficiencies.

Water demands for existing development within City limits are approximately 4,890 acre-feet per year. Residential uses account for the largest portion of existing water demand. The average daily demand per dwelling unit is 600 gallons per day. While water distribution lines in portions of the City's downtown area are relatively aged, they are considered to be in acceptable working condition to meet the existing demand and currently planned development.

The Water Master Plan adopted by the City recommends current and near-term improvements. These include a recommendation for a new 2.0 million gallon water storage tank for fire protection and equalization storage to meet peak hour needs. The Water Master Plan also recommends additional east-west water main connections for operational and maintenance flexibility.

Future Water Demand and Long-Term Improvements

For buildout scenarios under the City's General Plan (2025), the Water Master Plan projects demands of up to 21,091 acre-feet per year (afy). Available supplies from recharge in the Riverbank area are projected to be 78,982 afy, which equates to a groundwater reserve of up to 57,891 afy. As such, the Water Master Plan's demand projections are well within the supply estimates.

The Water Master Plan recommends that comprehensive best management and groundwater monitoring plans should be implemented to reduce potential groundwater overdraft and maintain

a groundwater balance. Further, ongoing modeling and planning efforts should be pursued to limit the potential impacts of overutilization of groundwater outside the General Plan area (in the remainder of the subbasin).

The City's Water Master Plan also includes recommendations for long-term infrastructure improvements that will be development driven and are expected to occur after the near-term projects are completed. Based on the growth projected under implementation of the General Plan, additional water infrastructure will be needed to pump, treat, and distribute water to new development. The document states that in addition to new water lines and water supplies for new development, adequate interconnecting water mains must be constructed to integrate new areas into the existing system and provide operational redundancy.

The General Plan includes policies intended to ensure that adequate water infrastructure is available to support new growth. General Plan Policy PUBLIC-2.1 states that the City will require that water supply, treatment, and delivery meet or exceed local, State, and federal standards. Additionally, recognizing that planned development cannot occur without an adequate supply of water, Policy PUBLIC-2.4 states approval of new developments will be conditioned upon demonstrating the availability of adequate water supply and infrastructure, including multiple dry years, as addressed in the City's Water Master Plan, Urban Water Management Plan, and Groundwater Source Efficiency Report.

Water Conservation

Water use and conservation is also a priority and concern throughout the entire Central Valley. The combination of agricultural production, warm climate and increase in urban landscaping threatens supply and sustainability.

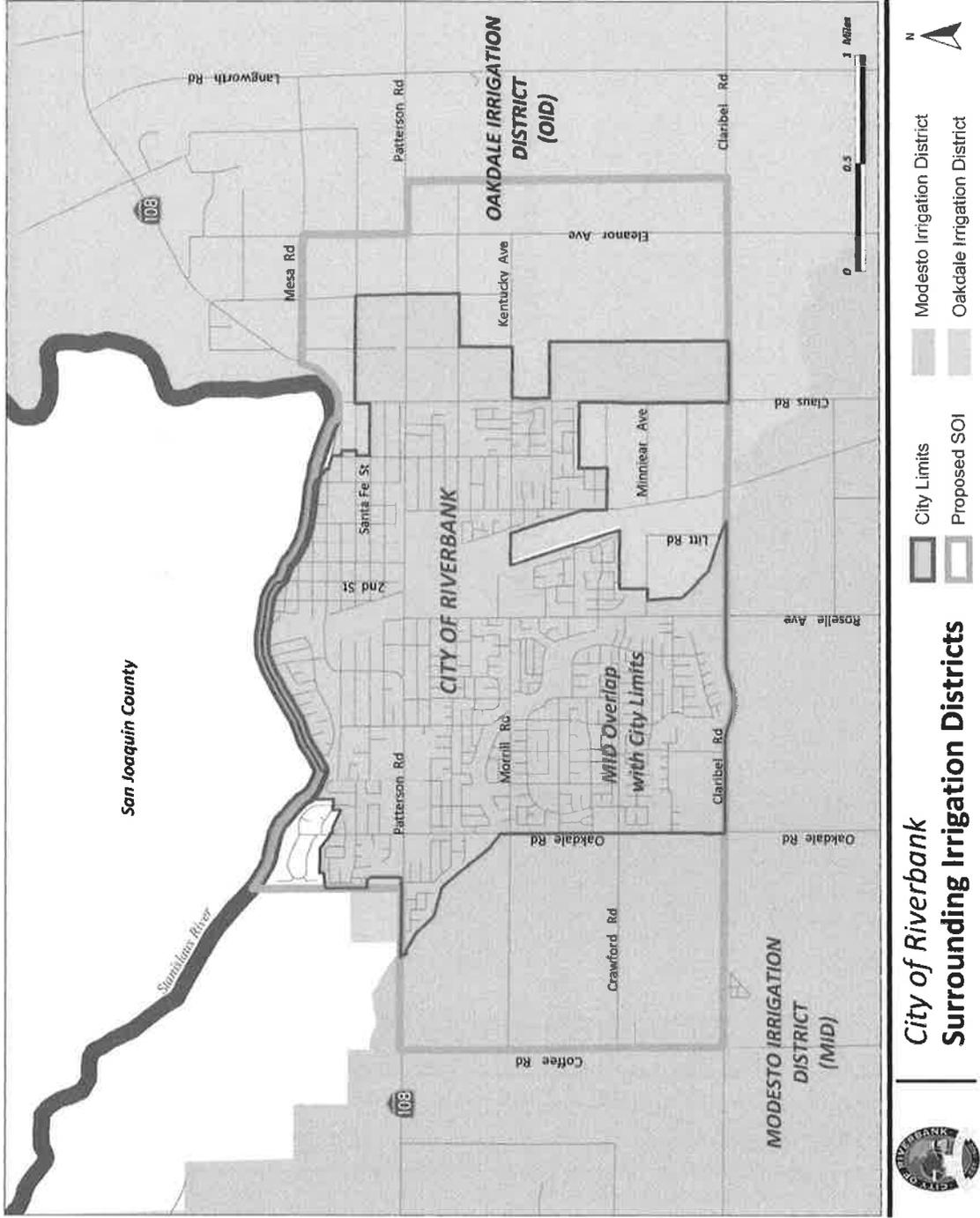
To promote water conservation and reduce the infrastructure needed for water treatment, the City's General Plan includes Policy PUBLIC-2.3 that requires new development to incorporate water conservation techniques to reduce water demand in new growth areas, including the use of reclaimed water for landscaping and irrigation.

In addition, the entire State of California has been mandated to implement strict water conservation measures in response to drought conditions the last several years. The City of Riverbank is required to reduce water usage by 32% compared to the amounts used in 2013. The City has taken several steps such as reducing the times of day water can be used to irrigate landscaping and restricting watering to one day a week. Water wasting violations have also been implemented with increasing fines for each subsequent violation. These violations rely on a complaint based system that is reported and tracked by the State to ensure that each City is putting forth its best effort to conserve water. The most recent information (September 2015) shows that the City received a total of 55 complaints, issued 114 warnings of violation, and assessed 16 penalties for water waste.

Other Water Providers

There are two irrigation districts, as shown in Figure 6, located in the Riverbank vicinity: the Modesto Irrigation District (MID) and the Oakdale Irrigation District (OID).

Figure 6 - Surrounding Irrigation Districts



**City of Riverbank
Surrounding Irrigation Districts**

-  City Limits
-  Proposed SOI
-  Modesto Irrigation District
-  Oakdale Irrigation District

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Both irrigation districts have long-standing rights to surface water supplies. MID's surface water supplies are diverted from the Tuolumne River below La Grange Dam and OID's supplies are diverted from the Stanislaus River at the Goodwin Dam. Both districts also have a network of groundwater supply wells to augment surface water supplies as needed.

The Modesto Irrigation District (MID) owns and operates the Modesto Regional Water Treatment Plant that provides wholesale domestic water to the City of Modesto. MID is also a provider of electrical service in the area. Its boundary currently overlaps the southwest portion of the City limits in the existing Crossroads Specific Plan area. As areas are annexed to the City, MID no longer provides irrigation services to subject properties, however, as MID is also a provider of electrical services, areas annexed to the City do not detach from the District.

As areas currently within the Oakdale Irrigation District (OID) are annexed to the City, these lands are detached from OID in order to avoid dual water systems. This is supported by LAFCO and OID's policies.

Future Water Sources

The City is not currently pursuing surface water or conjunctive use for municipal needs, although this may be considered in the future. The City's General Plan Public Service and Facilities Element includes the City's intent to explore surface water opportunities, through Implementation Strategy PUBLIC-3, which states, in part: "The City will cooperate with local irrigation districts and public agencies to explore feasible surface water supplies or conjunctive use opportunities."

Wastewater Collection and Treatment

The City of Riverbank provides wastewater collection and treatment for the incorporated City and operates a wastewater treatment plant ("WWTP") located just north of the City limits and Stanislaus River, in San Joaquin County. The WWTP includes ponds used for treatment and storage of wastewater, as well as infiltration basins used for disposal of treated effluent.

The collection system consists of 6-inch to 36-inch diameter collection piping and nine lift/pump stations. All wastewater is conveyed from the collection system to the WWTP through a 27-inch gravity line located on a trestle over the Stanislaus River. Wastewater is then treated in aerated lagoons and disposed in infiltration basins. The City's wastewater treatment plant is subject to Waste Discharge Requirements Order No. 94-100 ("WDRs") adopted by the California Regional Water Quality Control Board (Central Valley Region) in April 1994. These requirements do not specify any limits for effluent BOD, TSS, and Nitrogen.⁶

The City's Public Works Department Sewer Division repairs and maintains the sewer collection system, including sewer mains, lift stations, and the wastewater treatment plant. The City recently completed numerous improvements and upgrades to its wastewater treatment plant following regulatory actions by the Regional Water Quality Control Board. In April 2001, the Regional Water Quality Control Board issued Cleanup & Abatement Order No. 5-01-703 to the City requiring numerous tasks to prevent unauthorized discharges and bring the treatment plant into compliance. Following progress made by the City to comply with the original order, a

⁶ Schneider Electric, DRAFT Riverbank Case Study: 75% Energy Savings at a Wastewater Treatment Plant, April 2015

revised Cleanup & Abatement Order was then issued. In March 2003, the City was issued a Notice of Violation citing issues with disposal capacity, odors, potential groundwater impacts, and biosolids (sludge) management.

To remedy these concerns, the City acquired additional property for disposal capacity, made upgrades to the treatment system, and ultimately improved the operational flexibility at the plant. Three groundwater monitoring wells were also added to the site to ensure that activities at the site were not degrading groundwater quality. Regulatory compliance has ultimately led to a more efficient wastewater treatment plant that now has a peak capacity of 7.9 million gallons per day (mgd). As of 2015, the Waste Discharge Requirements for the City's WWTP is 7.9 mgd, remaining unchanged from the General Plan Environmental Impact Report. The regulatory compliance allows for that capacity and if the City ever wanted to increase capacity, the State Regional Water Control Board ("SRWCB") and the Central Valley Regional Water Quality Control Board ("CVRWQCB") would write a new Report of Waste Discharge for the WWTP which would include stricter treatment and monitoring requirements. At this time, the City does not have future improvements or plans for increasing the capacity of the WWTP.⁷

The wastewater treatment plant has primary treatment only through aerated lagoons and uses percolation ponds rather than discharging effluent. The primary treatment is accomplished in four (4) treatment ponds through the use of surface aerators to provide oxygen for the biological process. Once sewage is adequately treated, it is transferred to the percolation ponds through the opening of sluice gates or weir gates. The City does not utilize wastewater for irrigating City or other landscaping once treated.⁸

Existing Demand and Short-Term Improvements

The average daily wastewater flows to the City's WWTP, as of 2015, are 1.64 mgd⁹. Residential uses currently account for over 90% of flows to the WWTP. The average wastewater generation for residential uses is approximately 275 gallons per day, per dwelling unit.

Recently, the City contracted with Schneider Electric to evaluate the City's wastewater treatment plant for energy savings opportunities. The project involved replacing the surface aerators with submersible fine bubble diffusers and blowers with Variable Frequency Drives ("VFDs"). It also included the installation of a SCADA control system to provide better control and visibility into the plant processes, particularly controlling the dissolved oxygen level in the treatment process.¹⁰ The project included the replacement of the twelve surface aerators in treatment ponds T-1 and T-2 with Parkson's Biolac Treatment System, which uses moving aeration chains with suspended fine bubble diffusers, motorized and controlled air valves, blowers, and an automated control system. As of November 2015, the updated treatment system for Pond T-1 and T-2 is active.¹¹ Ponds T-3 and T-4 were left as-is. This system was chosen for the maximum energy savings; however, the system provides several long-term maintenance benefits. They include:

⁷ Michael Riddell, Personal Communication, December 2015

⁸ Michael Riddell, Personal Communication, November 2015

⁹ Michael Riddell, Personal Communication, November 2015

¹⁰ Schneider Electric, DRAFT Riverbank Case Study: 75% Energy Savings at a Wastewater Treatment Plant, April 2015.

¹¹ Michael Riddell, Personal Communication, November 2015

- Reductions in the build-up of sludge in the treatment ponds;
- System is modular and upgradeable. In the event that plant flows increase, the system can be added onto.
- System can accommodate new permit requirements by adding onto the existing system to increase levels of treatment as opposed to the costly purchase of a new surface aerator or other similar upgrade.

Future Demand and Long-Term Improvements

The City's Sewer Collection System Master Plan (adopted in 2008) provides projections of future sewer flows. The document estimates that further growth within the existing City limits could generate an average flow of approximately 3.42 mgd. Growth in the General Plan area (which extends beyond the existing Sphere of Influence) could generate an average of 6.64 mgd, as shown in Table 17 below:

Table 17: Projected Wastewater Flow (MGD)

Date	Central Riverbank (City Limits)	East Riverbank (General Plan Area)	West Riverbank (General Plan Area)	Total
2007	1.64	0.0	0.0	1.64
Build-out	3.42	1.28	1.93	6.63

Each of these is below the Wastewater Treatment Plant's peak capacity of 7.9 mgd, however, new development would require master plan improvements for conveyance infrastructure. New lift stations would also be required to satisfy future demand. The existing wastewater collection system is constrained by numerous physical obstructions, including the Stanislaus River, canals, and railroad tracks. As such, it will be critical to have adequate trunk line capacity to collect wastewater from all areas prior to the anticipated growth.

According to the Sewer Collection System Master Plan, the average residential wastewater flow, based on the number of residential sewer connections and the total wastewater flow of 1.64 mgd (based on 2006 City billing data) is 275 gpd/du (gallons per day per dwelling unit). Based on this information, the following table shows the current and future residential wastewater flow for the City of Riverbank.

Table 18 – Projected Wastewater Flow (MGD) by Population

Date	Population ¹²	Dwelling Units ¹³	Wastewater Flow (Average)(MGD)
Current - 2015	23,485	6,867	1.89
Projected Build-out within City limits	3,893	1,138	0.31
Projected Build-out under proposed SOI expansion	22,456	6,566	1.81
Total Projected	49,834	14,571	4.01

¹² Department of Finance, E-5 – June 2015

¹³ Calculated using the U.S. Census Persons per Household of 3.42.

Table 18 takes into account the residential land uses within the City and the proposed SOI expansion. To better understand the full extent of impacts associated with the build-out of the City and the proposed SOI expansion, Table 19 shows the impact Commercial and Industrial land uses will have on the City's Sewer System at buildout.

Table 19 – Projected Wastewater Flow (MGD) for Commercial and Industrial Land Uses

Land Use	Acres	GPD/AC	Wastewater Flow (Average)(MGD)
All Land Uses – 2007			1.86
Commercial Build-out – City Limits ¹⁴	219	1,200	0.20
Industrial Build-out – City Limits	244	1,500	0.23
Sub Total			0.43
Commercial Build-out – Total Sphere of Influence - Proposed	88	1,200	0.11
Industrial Build-out – Total Sphere of Influence - Proposed	238	1,500	0.36
Total			0.90

As shown above, the projected commercial and industrial land uses within the City and proposed SOI expansion would impact the Sewer System by 0.86 MGD. In total, the build-out of the lands within the City limits and the proposed SOI expansion could potentially total 4.91 mgd. This is under the current capacity of the City's Wastewater Treatment Plant by 2.99 mgd (7.9 mgd capacity).

Future improvements, as scheduled in the City's 2015-2020 Capital Improvement Plan, include finishing Percolation Pond 9 for a total of \$110,000.¹⁵

Recognizing the need to plan for adequate sewer capacity, the General Plan Public Services and Facilities Element includes goals and policies addressing the provision of wastewater treatment for existing and projected development. These policies are:

Goal PUBLIC-3: Adequate Wastewater Service to Meet Existing and Future Projected Development Determined in the General Plan

Policy PUBLIC-3.1: The City will require that wastewater collection, conveyance, and treatment facilities meet or exceed local, State, and federal standards, as addressed in the City's Sewer Collection System Master Plan.

Policy PUBLIC 3.2: The City will identify and utilize, as feasible, best environmental practices and technologies for wastewater collection, conveyance, and treatment.

¹⁴ City of Riverbank, Sewer Collection System Master Plan, November 2007

¹⁵ City of Riverbank Capital Improvement Plan, Fiscal Year 2015-2020, Adopted by CC August 25, 2015

Policy PUBLIC-3.3: The City will not induce urban growth by providing wastewater facilities to areas outside the Planning Area or areas not planned for urban development, such as areas designated for agriculture or open space.

The City receives funding for wastewater improvements through capital improvement fees, connection fees and user fees. Developers are also required to install infrastructure improvements both for the conveyance of wastewater and WWTP infrastructure upgrades, as necessary.

Stormwater Drainage

In general, the City of Riverbank drains from east to west. The City conveys runoff to multiple points along the Stanislaus River and to two Modesto Irrigation District canals (MID Main and Lateral No. 6). The City storm drain system consists of 12-inch to 54-inch diameter collection pipes, four storm drainage park/detention basins, six storm water pump stations, seven gravity storm water outfalls to the Stanislaus River, and five points of discharge into Modesto Irrigation District canals. MID and the City have entered into two storm drain discharge agreements authorizing a total of 7 discharge points. Typically, storm water is collected into detention basins and then pumped out within 24-48 hours following a storm. Figure 6 below shows the City's storm water detention basins and their respective discharge locations.

The City receives funding for storm water drainage improvements through capital improvement fees. In addition, developers are required to install infrastructure improvements to ensure adequate project-related stormwater drainage, and are required to submit a grading and drainage plan for review as part of the development approval process.

The Clean Water Act of 1972 delegates authority to each state to issue National Pollutant Discharge Elimination System (“**NPDES**”) permits for discharges of storm water from construction, industrial, and municipal entities to waters of the United States. Considered a “small” city, Riverbank obtained permit coverage under the Phase II General NPDES permits for Municipal Separate Storm Water Sewer Systems (“**MS4**”) (Permit 2013-0001-DWQ). These Phase II MS4s are required to implement various storm water management programs. To comply with this permit, the City of Riverbank has taken necessary steps and adopted storm water management programs, including but not limited to:

- Post Construction Low Impact Development (“**LID**”) Standards, 2014
- Low Impact Development Alternative Compliance Study, May 2015
- Best Management Practices (“**BMP**”)

Existing and Pending Developments

The City adopted a Downtown Specific Plan (“DTSP”) which identifies opportunities for development and redevelopment on vacant parcels, underutilized parcels, and the former cannery site, within the downtown Riverbank area. The City is also in the process of developing a Specific Plan for the Riverbank Army Ammunition Plant to guide future development and redevelopment of the site for industrial, business park, and commercial uses.

Areas outside of City limits, but within the existing Sphere of Influence include areas designated on the City’s General Plan for low and medium density residential uses, industrial and business parks, as well as areas for mixed use and high density residential. There are a number of existing and pending developments within the City and the proposed Sphere of Influence. These approved or pending projects include:

- Crossroads West
- Crossroads
- **Diamond Bar East: 96 - Single Family Residential Units**
- **Diamond Bar West: 58 - Single Family Residential Units**
- Riverbank Central Apartments
- Elmwood Estates
- Downtown Specific Plan / Cannery District
- Cornerstone
- **Lafferty Homes: 57 - Single Family & Medium Density Residential Units**
- **Willow Equites: 67 - Single Family Residential Units**
- Hayes Phase I and II
- **Better Builder: 19 - Condominium Dwelling Units**
- **Lyn Tremain: 32 - Single Family Residential Units**
- **Dennis Monterosso: 10 - Single Family Residential Units**

5.2 PRESENT AND PROBABLE NEED FOR PUBLIC FACILITIES AND SERVICES IN THE AREA

The City currently provides or contracts for adequate services to meet the needs of the existing population of 23,485. Services provided by the City of Riverbank directly include water, wastewater and storm water drainage. Solid Waste service is provided via contract with Gilton Solid Waste Management. Services provided by contract with Stanislaus County include Police and Animal Control services. Fire protection within City limits is provided by the Stanislaus Consolidated Fire District (Station 36 is in Riverbank). New development within the City and within the City’s SOI would lead to population growth and the need for additional public services. The anticipated tax base that would result from new development would provide the necessary base funding for these services. Development fees would address all capital facilities costs created by new development, and General Plan polices are in place to ensure the provision of adequate services for current and future populations through the management and collection of development fees as well as the annexation into applicable maintenance districts. Further details regarding the City’s ability to meet the needs of the existing and future population are described in Chapter 3 and 4 of the MSR.

The proposed Crossroads West Specific Plan, located west the City’s current SOI but within the proposed SOI expansion is proposing two (2) school sites, one (1) Stanislaus Consolidated Fire Station and the expansion of the City’s Regional Sports Complex, located on Morrill Road. The two (2) school sites will accommodate an Elementary School and Middle School. The exact

location of these facilities, other than the regional sports complex, is yet to be determined and the City is coordinating with the Crossroads West development team to ensure the location is logical and reasonable. As discussed in Chapter 4 of the MSR, the Crossroads West Specific Plan will be consistent with the General Plan, including the financing of all urban services.

5.3 PRESENT CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES THAT THE AGENCY PROVIDES OR IS AUTHORIZED TO PROVIDE

The City's current Municipal Service Review ("**MSR**") contains a Primary Area of Influence (10 year growth horizon) that is 307± acres of land adjacent to the City limits. This includes about 59 acres of developed parcels located in the area known as "River Heights" and developed parcels along Santa Fe Street, east and north of the City. In addition, the current SOI includes 401± acres of land not designated as "Primary Area" and is considered to be 20 year growth horizon (Sphere of Influence). In total, the City's current SOI contains 2,663± acres of land, including 1,955 acres of land within the City limits.

The Municipal Service Review Update includes an amendment to include additional territory in the Primary Area and Sphere of Influence. The proposed SOI expansion includes the expansion of the Primary Area by 758± acres of land and the SOI by 723± acres. In total, the proposed SOI expansion includes the expansion of the City's current SOI by 1,479± acres of land.

Present needs for public municipal facilities and services within the City of Riverbank are currently being met. The MSR provides a detailed discussion of the services provided by the City and their present and future capacities.

The City will define future capacities necessary to accommodate urbanization and build-out of the City's SOI when specific developments are proposed. The proposed Crossroads West Specific Plan will document the requirements for municipal services in all and the way in which these services will be provided. This ensures that adequate services in all categories will be provided with development.

The MSR also identifies the adopted and planned infrastructure master plans and financing strategies that will enable municipal services to be provided concurrently or in advance of annexation and development. The strategies and funding programs being implemented or pursued by the City include: connection and usage fees; bond financing; general fund revenues; and developer contributions of up-front infrastructure costs or construction to serve new development.

5.4 THE EXISTENCE OF ANY SOCIAL OR ECONOMIC COMMUNITIES OF INTEREST IN THE AREA IF THE COMMISSION DETERMINES THEY ARE RELEVANT TO THAT AGENCY

There are no identified social or economic communities of interest *within* the City's proposed SOI update area. As identified previously, the City is constrained to the north by the County line and to the south by the City of Modesto's Sphere of Influence.

5.5 FOR AN UPDATE OF A SPHERE OF INFLUENCE OF A CITY OR SPECIAL DISTRICT THAT PROVIDES PUBLIC FACILITIES OR SERVICES RELATED TO SEWERS, MUNICIPAL AND INDUSTRIAL WATER, OR STRUCTURAL FIRE PROTECTION, THE PRESENT AND PROBABLE NEED FOR THOSE PUBLIC FACILITIES AND SERVICES OF ANY DISADVANTAGED UNINCORPORATED COMMUNITIES WITHIN THE EXISTING SPHERE OF INFLUENCE

A review of existing information (including adopted 2009-2014 Housing Elements for the City and County, and available 2010 Census data) did not identify any disadvantaged unincorporated communities, as defined by Section 56033.5, within the existing Sphere of Influence of the City of Riverbank.

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Specific Plan Content

If properly designed and implemented, a specific plan, as set forth in California Government Code, is a helpful tool for providing a transition between the citywide goals and policies contained in the General Plan and subsequent entitlement requests (e.g., tentative maps and conditional use permits).

The specific plan is essentially a complete “blueprint” for the development of a defined area; it includes land use and circulation diagrams, public facilities required to serve proposed land use, the cost and methods of financing needed public facilities and services, and guidance on implementation of the plan, including infrastructure phasing and development standards (i.e., zoning).

Specific plans must be consistent with the City’s General Plan and the City’s infrastructure master plans, as determined by the City, and contain information as required by State law and information including, but not limited to the following:

- Land use diagram and description
- Circulation system diagram and description
- Policies, design guidelines, and development standards for specific plan development
- Economic development
- Parks
- Affordable housing
- Cost analysis/fiscal benefit
- Public facility plan, including the location and sizing of major infrastructure (water, wastewater, storm drainage), and other public facilities (e.g., parks, schools, etc.) consistent with the General Plan, City master plans, and standards
- Phasing and financing of all public facilities, consistent with City requirements and LAFCO requirements for Sphere of Influence adjustment
- A description of the requirements, entitlements, and process for specific plan implementation
- Analysis of consistency with General Plan policies and diagrams

In addition to providing well-coordinated land use and infrastructure planning, specific plans shall provide the information necessary to support a Sphere of Influence expansion at LAFCO, including the information required by LAFCO for a Master Services Element.² Specific

² Refer to Stanislaus LAFCO Policies and Procedures online at <http://www.stanislauslafco.org/info/pdf/policy/policy.pdf>.



plan approval by the City is required before the City will forward an annexation request to LAFCO. The City may elect to forward an annexation request that does not include the entire geographic area included in an approved specific plan. The City may elect not to request from LAFCO a Sphere of Influence update that includes the entire geographic area of a specific plan.

Specific plans are subject to CEQA analysis, with the City as the lead agency, pursuant to the statutory guidance, CEQA guidelines, and case law applicable at the time of processing.

The Riverbank General Plan anticipates large new growth areas northwest, east, and southwest of the City. New growth areas are located outside the City's current Sphere of Influence and jurisdictional limits. There are complex, large-scale infrastructure and public service planning and financing strategies required to implement such ambitious growth during build out of the General Plan. The specific plan process will be used to achieve certainty regarding the extent and character of urban development and conservation, as well as how that future development is provided with public services and utilities.

When considering whether to approve a specific plan, the Planning Commission and City Council will deliberate on such questions as: Does the proposed specific plan help the community to achieve the goals outlined in the Riverbank General Plan? Is the proposed specific plan consistent with policies and standards of the Riverbank General Plan?

Regional Expressway and Circulation Improvements

StanCOG and the member cities and the County have been working on regional expressway plans for the north Stanislaus County area, including an alignment that could potentially traverse the southern Riverbank Planning Area. Whether or not that east-west expressway comes to fruition, there are important transportation improvement and funding issues that must be addressed at the specific plan level. Developers will be required to develop and dedicate or set aside impact fees that will be used to expand east-west roadways to handle additional future traffic.

Given the layout of the City, many specific roadway improvements required to serve new growth are best estimated at the specific plan level, according to the generalized guidance in the General Plan. Frequent through connections across specific plan areas and from specific plan areas to the existing developed City will be required to connect together, forming a cohesive whole transportation system. As the Planning Area builds out over time, certain roads will be constructed, stubbed out for future use, and sized to handle growth of the Plan Area.

Specific plans will address the planning, design, phasing, and financing of the entire roadway system, include pro-rata sharing mechanisms for communitywide facilities, so that connectivity and accessibility are provided at the highest level. Specific plans will also be required to address access and alignment issues associated with the planning of a future regional expressway.

The purpose of this Annual Report is to:

- 1) Remain compliant with Government Code Section 65400(a)(2) and Housing Element Law;
- 2) To update City Council on housing development and implementation of General Plan Housing Element; and
- 3) Ensure eligibility for State grant funding.

For the City to be eligible for State funding for a variety of grants, the State requires the City's Housing Element to be in compliance with State Housing Law (certified) and for the City to submit Annual Progress Reports to OPR and HCD annually (by April 1 of each year). The 2023 Housing Element Annual Progress Report was submitted to OPR and HCD on March 29, 2024.

The City's Fifth Cycle Housing Element (2015 – 2023) was adopted in February, 2016. Prior to its adoption, City staff had consulted with HCD and received notification on December 15, 2015, that upon adoption the Housing Element would be in compliance. The proposed Annual Progress Report ensures that the City will remain up-to-date in regards to the reporting requirements imposed by future grant opportunities. A variety of grant programs are available for the City to pursue.

Annual General Plan Progress Report

Attached Table D, (attached under Attachment 2) provides a list of adopted Housing Programs, along with a status report on the implementation of each of the adopted housing programs during the 2023 reporting period.

Progress Towards RHNA Goals:

The Regional Housing Needs Allocation table for the current Housing Cycle has been updated to reflect progress made during 2023 towards addressing the City's RHNA goal is presented in Table B (to Attachment 2 to this Staff Report). In summary the City has completed:

- Ten (10) percent of the Very Low-Income goal;
- Eighteen (18) percent of the Low-Income goal;
- Less than three (3) percent of the Moderate-Income goal; and
- Eighty (80) percent of the Above Moderate-Income goal.

The number of the building permits issued for new housing units for each calendar year from 2015 through 2023 are summarized in the table below.

*City of Riverbank, Council Agenda Item 11.1, April 9, 2024
 2023 Annual General Plan Progress Report & 2023 Housing Element
 Annual Progress Report of the City's General Plan Housing Element*

Table B														
Regional Housing Needs Allocation Progress														
Permitted Units Issued by Affordability														
		1	2										3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level	
Very Low	Deed Restricted	321	-	-	33	-	-	-	-	-	-	33	288	
	Non-Deed Restricted													
Low	Deed Restricted	206	-	-	38	-	-	-	-	-	-	38	168	
	Non-Deed Restricted													
Moderate	Deed Restricted	217	-	-	-	-	-	-	-	-	1	5	212	
	Non-Deed Restricted										4			
Moderate		536	-	52	-	13	40	18	25	47	98	140	433	103
Total RHNA		1,280												
Total Units			-	52	71	13	40	18	25	47	98	145	509	771
Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).														
		5											6	7
		Extremely low-income Need	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date	Total Units Remaining	
Extremely Low-Income Units*		161	-	-	-	-	-	-	-	-	-	-	161	

New Home Construction

The City of Riverbank issued building permits for one hundred forty (140) above moderate-income residential units in 2023; all were for Single-Family Dwellings (SFDs). The majority of the building permits were issued in Crossroads West Specific Plan area. Five (5) building permits were issued for moderate-income category Accessory Dwelling Units. No permits were issued for very low- and low-income categories.

The cumulative number of building permits for new housing units totals 509. The total number of RHNA units was 1,280 units leaving a balance of 771 housing units. The City is not required to construct these units, but it was required to identify sites that could be developed privately to meet the projected housing need. There are no penalties to the City if the unit constructed did not meet the RHNA number of 1,280.

Architectural and Site Plan Review (ASPR) Applications Processed in 2023

In calendar year 2023, the City of Riverbank received nine ASPR applications and approved six ASPR applications for the development of new housing and they are listed below:

- ASPR for an 8 single family unit project- Morrill Tiny Homes Village
- ASPR for a 40 single family unit project - Countryside No. 2 Subdivision
- ASPR for an 85 single family unit project – Diamond Bar East subdivision
- ASPR for a 47 single family unit project - Heritage Subdivision
- APSR for a 28 single family unit project – Ward Villas

MAY 16 2024

DEVELOPMENT SERVICES

May 1, 2024

City of Riverbank
Attn: Miguel Galvez, Contract City Planner
6617 Third Street
Riverbank CA 95367

RE: River Walk Specific Plan/Draft Environmental Impact Report Comments, Riverbank, CA

Dear Mr. Galvez:

I would like to offer the following comments on the proposed River Walk Specific Plan project so that it becomes part of the permanent public record and is included in the Final Environmental Impact Report (EIR) for the referenced project.

In 2014, the City of Riverbank amended its current General Plan; the 2005-2025 General Plan ("General Plan") that was adopted on April 22, 2009. The General Plan Amendment ("Amendment") is identified in Resolution No. 2014-011 and is attached for reference herein, along with Page IMP-12 of the General Plan which is included by reference.

The Amendment changed the City's annexation process by removing the designation of specific areas for annexation and development. Specifically, as identified in Exhibit A of Resolution No. 2014-011, one of the "specific areas" that was removed from the General Plan was the following (shown in ~~strikethrough~~ text as it's shown in the Resolution): ~~2. Northwest Riverbank: north of Patterson Road and west of the existing developed City.~~ This "specific area" that was removed from the General Plan is the same area that constitutes the River Walk Specific Plan. Instead of identifying specific areas, the Amendment added "specific criteria for future annexation into the City, which changes are reflected in Exhibit A."

Exhibit A of the Amendment clarifies that for all new growth areas, which are "areas outside the existing City Limits as of January 1, 2007," shall occur as a result of a specific plan, and goes on to state, "The General Plan provides guidance for all land use change in the City's Planning Area, including important guidance for the preparation and adoption of specific plans to address new growth areas." The Amendment added the following (in *italics*):

SV/MS

The City will consider Planning Area Boundaries only if they meet the following criteria:

- 1. The Planning Area is physically contiguous to the existing City limit boundary.*
- 2. Specific Plan areas shall generally be approximately two hundred (200) acres. Smaller specific plan areas shall be considered and allowed subject to City Council approval.*
- 3. A specific plan may encompass a small area if the City finds that it will constitute a significant portion of a distinct and cohesive neighborhood and will otherwise correlate with planning, installation, and financing of infrastructure for the specific plan.*
- 4. Require preparation and approval of a specific plan for each future growth and annexation area to direct comprehensive and orderly planning. In this regard each property owner is required to pay their fair share of the expenses associated with the specific plan effort including CEQA documents.*
- 5. The Specific Plan can demonstrate that facilities, services and infrastructure are adequate to serve proposed annexations in accordance with City standards.*
- 6. Rights of way, utilities, and agricultural buffers shall be included within the specific plan boundary.*
- 7. In order to ensure connectivity to the existing city, arterial and collector streets shall be designed, and sufficient rights of way reserved, to comply with the Circulation Element of the 2005-2025 General Plan.*
- 8. A single specific plan covering the designated area will be required prior to any project approvals in that area. Development and funding of the specific plan will be the responsibility of the landowner(s) or authorized development representative.*
- 9. Specific plans within new growth areas shall be prepared consistent with the "Specific Plan content" requirements identified on Page IMP-12 of the 2005-2025 General Plan.*
- 10. New development in specific plan areas shall not be approved unless there is infrastructure in place or planned including an acceptable financing strategy to support growth.*
- 11. City should not consider the annexation of new territory unless or until substantial progress has been made for the previous annexation and/or plan area of approximately 50% built. Meaning that the land is improved beyond vacant parcels. The City, through City Council action, shall consider the progress made for previous annexations/plan areas when considering and allowing for new annexations/plan areas.*

May 1, 2024

Page 3

River Walk Specific Plan/EIR Comments

Amendment No. 2, above, implies that the largest specific plan for new development that the City would consider for a "new growth area" would be 200 acres. The River Walk Specific Plan proposes to annex nearly 1,000 acres to the City which is inconsistent the General Plan and the 2014 General Plan Amendment. Please clarify why there is no discussion in the EIR regarding this topic and how such a proposal can even be considered by the City given this inconsistency.

Amendment No. 11, above, says that the City should not consider the annexation of new territory unless or until substantial progress has been made for the previous annexation and/or plan area of approximately 50% built. The previous annexation was for Crossroads West which added 1,500 acres to the City's Sphere of Influence and annexed several hundred acres into the City. Please clarify why there is no discussion in the EIR regarding the percent currently built for the Crossroads West project in order to determine consistency with this 2014 General Plan Amendment requirement. If consistency cannot be demonstrated, the City "should not" consider the proposed annexation as per its own requirement.

The General Plan, beginning on Page IMP-12 identifies the required content for Specific Plans and states that "Specific plans must (emphasis added) be consistent with the City's General Plan and the City's infrastructure master plans, as determined by the City, and contain information including (emphasis added) but not limited to..." thereafter which are listed several required elements. Among these required elements are "Affordable Housing" and a "Cost analysis/fiscal benefit." The River Walk EIR/Specific Plan proposes to include one multi-family housing unit of 150 dwellings. The EIR goes on to say, however, that this may either be a multi-family unit or commercial space or a combination of both. In addition, during a neighborhood meeting that was held by the project proponent and his representative, David Romano, a question was asked regarding the price range would be for the River Walk homes. Mr. Romano's response was, "they would be market rate for whatever the going rate is at the time." Currently (May 2024) there is an advertisement for new homes on Patterson Road which reads, "New homes starting in the high \$400,000's." Please explain whether this price range is reflective on "affordable housing" and whether the EIR included a discussion about affordable housing and whether a "cost analysis/fiscal benefit" of the Project were included.

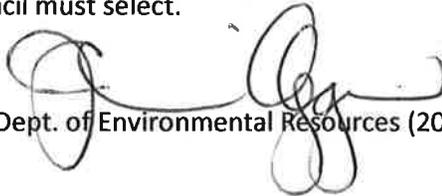
If the EIR's analysis fails to include the required elements noted above, and is not consistent with the General Plan and the 2014 Amendment, the Project should not be approved. Instead, the "No Project" option is what the City Council must select.

Jami Aggers, M.A., R.E.H.S.

Director, Stanislaus County Dept. of Environmental Resources (2012-2021, Ret.)

7730 McHenry Ave

Modesto, CA 95356



Enclosures: 2014 City of Riverbank General Plan Amendment
Specific Plan Content, Page IMP-12 & 13 of the City's 2005-2025 General Plan

CITY OF RIVERBANK

RESOLUTION NO. 2014-011

A RESOLUTION OF CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA,
APPROVING THE GENERAL PLAN AMENDMENT FOR THE 2005-2025 GENERAL
PLAN TO CHANGE THE POLICY LANGUAGE ASSOCIATED WITH THE
ANNEXATION PROCESS, ADD A ZONING COMPATIBILITY MATRIX, AND
RESTORE LAND USE DESIGNATIONS FOR FIFTY-FOUR (54) PROPERTIES

WHEREAS, the City of Riverbank (the "City") adopted the 2005-2025 General Plan ("General Plan") as its current general plan on April 22, 2009; and

WHEREAS, staff for the City has proposed making changes to the City's existing General Plan to: (1) change the City's annexation process; (2) add a zoning compatibility matrix; and (3) restore land use designations for fifty-four (54) properties (the "General Plan Amendment"); and

WHEREAS, on November 4, 2013, the Planning Commission and City Council held a duly noticed public workshop to discuss and provide City staff direction on annexation/specific plan strategies and language for the proposed General Plan Amendment; and

WHEREAS, as a result of the November 4, 2013 workshop, City staff recommended that the General Plan be amended to: (1) remove the designation of specific areas for annexation and development and add specific criteria for future annexation into the City, which changes are reflected in Exhibit A, which attached hereto and incorporated herein by this reference;

WHEREAS, Staff discovered that the recently adopted General Plan does not establish a compatibility table and identified the need to add the General Plan Land Use and Zoning Compatibility Matrix, which is attached hereto as Exhibit B, and incorporated herein by this reference, to accomplish the following aspects of the General Plan.

1. Goal LAND-6. Up-To-Date Land Use Element that Can Achieve the Community's Vision for the Future.
2. Policy LAND-6.2. Development applications shall be reviewed and approved only if consistent with the Riverbank General Plan; and

WHEREAS, City staff has identified parcels for which the General Plan Land Use Designation of Mixed Use do not match the current land use or its potential for future use; and

WHEREAS, City staff identified fifty-three (53) parcels within the City that have been designated as multi-use ("MU") in the General Plan but have an existing land use and designation in the zoning code of community commercial ("CC"); and

WHEREAS, City staff has identified one (1) parcel within the City that has been designated as MU in the General Plan, but has an existing land use and designation in the zoning code of medium density residential ("MDR"); and

WHEREAS, amending the General Plan to match the land use designations of these parcels with the land use designations of the zoning code, as shown in Exhibit C which is attached hereto and incorporated herein by this reference, is consistent with the following aspects of the General Plan:

1. Goal LAND-4. Commercial and Industrial Development Contributes to the Health, Welfare, and Vitality of the Community.
2. Policy LAND-6.1: The City will review the Land Use Element at least every five years to ensure that it remains responsive to the community's vision with respect to changing conditions.
3. Goal ED-1. Continue to make economic development a priority in Riverbank.
4. Policy ED-2.7: The City will identify appropriate sites for new businesses and expansion of existing businesses in the following areas:
 - Identifying new development sites appropriate to particular land uses, such as commercial and industrial.
 - Tracking vacant spaces with existing buildings.
 - Identifying infill and reuse sites for new development, including potential opportunity for mixed use development.
5. Goal ED-7: Continue to increase Riverbank's base of regional commercial uses, while addressing market opportunities with locally-oriented commercial uses
6. Policy ED-7.1: The City will continue to pursue regional retail development opportunities that would serve the growing population in Riverbank and surrounding communities
7. Policy ED-7.3: The City will pursue locally-oriented commercial uses that are currently underserved in Riverbank, and expand upon the existing base of

local-serving retail and service establishments as population increases create additional market demand

WHEREAS, Government Code section 65353 requires the Planning Commission hold at least one noticed, public hearing on any proposed general plan amendment; and

WHEREAS, the Government Code further requires that a general plan amendment be made only "in the public good"; and

WHEREAS, the Government Code further requires that the City Council receive input from the Planning Commission on any proposed general plan amendment; and

WHEREAS, the Planning Commission has reviewed the General Plan Amendment and conducted a public hearing.

WHEREAS, The Planning Commission made the following findings:

1. The proposed General Plan Amendment is consistent with the goals, policies, program and uses of the General Plan.
2. The proposed action to adopt this General Plan Amendment is not a project as defined by Section 15378 of the CEQA Guidelines and there therefore will not require any environmental determination.

WHEREAS, the Planning Commission recommended to the City Council the approval of the aforementioned General Plan Amendment.

WHEREAS, notice of the City Council public hearing on the General Plan Amendment was published in the *Riverbank News*, a newspaper of general circulation, on February 12, 2014.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RIVERBANK HEREBY FINDS AND DETERMINES AS FOLLOWS:

1. The General Plan Amendment is in the public interest because the General Plan Amendment will change the Implementation Chapter of the General Plan to allow for more flexibility in allowing future annexations in the City than what was previously adopted in the 2005-2025 General Plan. Such annexations may include job-generating land uses such as commercial and industrial developments, thus creating a benefit to residents of the City. The General Plan Amendment also allows for the City to review the specific public benefit of each annexation/specific plan application that is submitted. The General Plan Amendment adds a Land Use Compatibility Matrix that ensures consistency between the General Plan and the City's zoning codes, as

required by state law. (Government Code section 65860). The General Plan Amendment also restores land use designations of fifty-three (53) parcels to ensure that the General Plan reflects the current uses and future plans for those properties.

2. The General Plan Amendment is consistent and compatible with the goals and the vast majority of the policies of the General Plan.
3. The General Plan Amendment is categorically exempt under Article 19 Section 15260 of the CEQA Guidelines.
4. That the General Plan Amendment has been processed in accordance with the California Government Code and the California Environmental Quality Act.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVERBANK THAT:

1. The General Plan is hereby amended by deleting the current Page IMP-15 which contains Figure IMPLEMENTATION-1 "Future Specific Plan Areas" and replacing it with the language set forth in Exhibit A of this Resolution.
2. The Riverbank General Plan is hereby amended by the inclusion of the General Plan Land Use and Zoning Compatibility Matrix set forth in Exhibit B of this Resolution.
3. The Riverbank General Plan is hereby amended to reflect the modification of the Land Use Designation of numerous properties, as identified in Exhibit C.
4. Based on the findings set forth in this Resolution, the evidence in the City Staff Report, and such other evidence as received at the Planning Commission and City Council public hearings on this matter, the City Council hereby approves the General Plan Amendment.
5. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 24th day of February, 2014; motioned by Councilmember Darlene Barber-Martinez, seconded by Councilmember Jeanine Tucker, and upon roll call was carried by the following City Council vote of 4-0:

AYES: Barber-Martinez, Jones Cruz, Tucker, and Vice Mayor Campbell
NAYS: None
ABSENT: None
ABSTAIN: None

ATTEST:


Annabelle H. Aguilar, CMC
City Clerk

APPROVED:


Richard D. O'Brien
Mayor

Attachments:

1. Proposed Annexation Language – Exhibit A
2. Land Use and Compatibility Matrix- Exhibit B
3. Mixed Use Survey- Exhibit C

EXHIBIT A

The section entitled "Geographic Focus" on Page IMP-11 of the 2005-2025 General Plan will be revised to read as follows. Additions to the existing section are noted in italics and deletions are noted with ~~strike through~~.

Geographic Focus

~~For~~ *All* new growth areas (areas outside the existing City Limits as of January 1, 2007), the majority of new urban development in the Riverbank Planning Area shall only occur as a result of a specific plan. This General Plan provides guidance for all land use change in the City's Planning Area, including important guidance for the preparation and adoption of specific plans to address new growth areas.

~~In general, three different geographic areas are to be addressed by future specific plans (see Figure IMPLEMENT 1):~~

- ~~1. Southwest Riverbank: south of Patterson Road and west of Oakdale Road~~
- ~~2. Northwest Riverbank: north of Patterson Road and west of the existing developed City~~
- ~~3. East Riverbank: areas east, northeast, and southeast of the City limits as of January 1, 2007.~~

~~All property owners in a specific plan are encouraged to participate on equal footing in the specific planning process.~~

The City will consider Planning Area Boundaries only if they meet the following criteria:

- 1. The Planning Area is physically contiguous to the existing City limit boundary.*
- 2. Specific Plan areas shall generally be approximately two hundred (200) acres. Smaller specific plan areas shall be considered and allowed subject to City Council approval.*
- 3. A specific plan may encompass a small area if the City finds that it will constitute a significant portion of a distinct and cohesive neighborhood and will otherwise correlate with planning, installation, and financing of infrastructure for the specific plan.*
- 4. Require preparation and approval of a specific plan for each future growth and annexation area to direct comprehensive and orderly planning. In this regard each property owner is required to pay their fair share of the expenses associated with the specific plan effort including CEQA documents.*
- 5. The Specific Plan can demonstrate that facilities, services and infrastructure are adequate to serve proposed annexations in accordance with city standards.*
- 6. Rights of way, utilities, and agricultural buffers shall be included within the specific plan boundary.*

EXHIBIT A

7. *In order to ensure connectivity to the existing city, arterial and collector streets shall be designed, and sufficient rights of way reserved, to comply with the Circulation Element of the 2005-2025 General Plan.*
8. *A single specific plan covering the designated area will be required prior to any project approvals in that area. Development and funding of the specific plan will be the responsibility of the landowner(s) or authorized development representative.*
9. *Specific plans within new growth areas shall be prepared consistent with the "Specific Plan Content" requirements identified on Page IMP-12 of the 2005-2025 General Plan.*
10. *New development in specific plan areas shall not be approved unless there is infrastructure in place or planned including an acceptable financing strategy to support growth.*
11. *City should not consider the annexation of new territory unless or until substantial progress has been made for the previous annexation and/or plan area of approximately 50% built. Meaning that the land is improved beyond vacant parcels. The City, through City Council action, shall consider the progress made for previous annexations/plan areas when considering and allowing for new annexations/plan areas.*

Prior to the initiation of a specific plan, an Application to Initiate a Specific Plan shall be reviewed and approved by the City Council. Such Application shall include the following:

1. *A completed Uniform Application Form;*
2. *Description of the proposed project;*
3. *A vicinity map, showing the proposed specific plan area, relationship to the City's City Limits and Sphere of Influence, and areas within one (1) mile of the property or properties;*
4. *A location map, showing the planning area and all exterior property lines within 300 feet of the specific plan area;*
5. *The existing homes or structures, addresses and assessor parcel numbers for the properties shown on the location map, listed from the latest assessor's roll;*
6. *The existing land use and proposed land use (General Plan and Zoning) designations, densities, and acreage as shown on the location map;*
7. *A statement of the relationship between the proposed specific plan area with the adopted General Plan; and*
8. *A Pre-Annexation Funding Agreement.*

Upon approval by the Riverbank City Council, preparation of the specific plan, and its contents, shall comply with this Implementation Chapter of the General Plan.

**City of Riverbank
General Plan and Zoning Matrix
February 24, 2014
EXHIBIT "B"**

City of Riverbank 2005-2025 General Plan

General Plan Land Use Classification	Density	Compatible Zone District
Clustered Rural Residential (RR)	0.2 - 1 du/net ac	County Estate Zoning
Lower-Density Residential (LDR)	Max 8 du/net ac	R-1, Single Family Residential PD, Planned Development
Medium-Density Residential (MDR)	8-16 du/net ac	R-2, Duplex Residential PD, Planned Development
Higher-Density Residential (HDR)	Min. 16 du/net ac	R-3, Multiple Family Residential PD, Planned Development
Community Commercial (CC)	FAR 0.3	C-1, Neighborhood Commercial C-2, General Commercial CM, Commercial-Industrial
Industrial/Business Park (I/BP)	N/A	CM, Commercial-Industrial M-1, Light Industrial M-2, Heavy Industrial
Mixed Use (MU)	18 du/net ac	CX - 1, Mixed Use
Parks (P)		Any Zone District
Infill Opportunity Area (IOA)		
Buffer/Greenway/Open Space (B/G/OS)		Public/Open Space
Multi-Use Recreation/Resource Management (MUR/R)		Plain, Public,
Ag Resource Conservation		No Zoning
Civic		Public and Quasi Public
Reserve Overlay		

Exhibit "C": Mixed Use Survey

February 24, 2014

City of Riverbank Mixed Use Survey GPA Sites

APN	ADDRESS	ACRES	2005-2025 GENERAL PLAN LAND USE DESIGNATION	PROPOSED ACTION (GENERAL PLAN LAND USE DESIGNATION)
074-005-052	2119 Patterson Rd	1.158	MU	CC - Community Commercial
074-005-053	6411 Oakdale Rd	0.797	MU	CC - Community Commercial
074-021-004	6345 Oakdale Rd	0.760	MU	CC - Community Commercial
074-021-075	0 Oakdale Rd	2.717	MU	CC - Community Commercial
074-021-076	2120 Patterson Rd	0.524	MU	CC - Community Commercial
074-021-077	6331 Oakdale Rd	1.022	MU	CC - Community Commercial
074-021-078	6333 Oakdale Rd	0.753	MU	CC - Community Commercial
075-004-046	6607 Callander Ave	0.216	MU	CC - Community Commercial
075-007-008	2367 Patterson Rd	0.294	MU	CC - Community Commercial
075-007-036	0 Estelle Ave	0.817	MU	CC - Community Commercial
075-007-039	0 Estelle Ave	0.149	MU	CC - Community Commercial
075-007-040	2369 Patterson Rd	1.076	MU	CC - Community Commercial
075-007-042	6443 Estelle Ave	1.358	MU	CC - Community Commercial
075-008-029	2525 Patterson Rd	8.011	MU	CC - Community Commercial
075-008-031	2505 Patterson Rd	0.300	MU	CC - Community Commercial
075-008-032	2401 Patterson Rd	0.742	MU	CC - Community Commercial
075-008-033	2421 Patterson Rd	2.085	MU	CC - Community Commercial
075-009-015	6505 Callander Ave	0.981	MU	CC - Community Commercial
075-009-046	2754 W Sierra St	1.042	MU	CC - Community Commercial
075-009-048	2773 Patterson Rd	0.609	MU	CC - Community Commercial

Exhibit "C": Mixed Use Survey

February 24, 2014

075-009-049	2761 Patterson Rd	0.514	MU	CC - Community Commercial
075-009-050	2707 Patterson Rd	0.456	MU	CC - Community Commercial
075-009-051	2701 Patterson Rd	0.537	MU	CC - Community Commercial
075-009-052	2673 Patterson Rd	0.349	MU	CC - Community Commercial
075-009-053	2667 Patterson Rd	0.317	MU	CC - Community Commercial
075-009-054	2661 Patterson Rd	0.325	MU	CC - Community Commercial
075-009-055	2641 Patterson Rd	0.952	MU	CC - Community Commercial
075-009-071	2603 Patterson Rd	1.170	MU	CC - Community Commercial
075-011-002	2300 Patterson Rd	0.747	MU	CC - Community Commercial
075-011-003	2318 Patterson Rd	0.491	MU	CC - Community Commercial
075-011-005	2372 Patterson Rd	0.525	MU	CC - Community Commercial
075-011-033	0 Patterson Rd	5.858	MU	CC - Community Commercial
075-011-034	2406 Patterson Rd	7.677	MU	CC - Community Commercial
075-011-047	2200 Patterson Rd	0.797	MU	CC - Community Commercial
075-011-048	2256 Patterson Rd	0.915	MU	CC - Community Commercial
075-011-049	0 Patterson Rd	0.915	MU	CC - Community Commercial
075-011-050	2240 Patterson Rd	1.581	MU	CC - Community Commercial
075-011-051	2224 Patterson Rd	1.641	MU	CC - Community Commercial
075-011-052	2202 Patterson Rd	0.987	MU	CC - Community Commercial
075-026-040	6436 Oakdale Rd	2.891	MU	CC - Community Commercial
075-026-041	0 Patterson Rd	0.989	MU	CC - Community Commercial

Exhibit "C": Mixed Use Survey

February 24, 2014

075-026-042	0 Patterson Rd	1.069	MU	CC - Community Commercial
075-026-043	2225 Patterson Rd	1.029	MU	CC - Community Commercial
075-026-044	2213 Patterson Rd	0.783	MU	CC - Community Commercial
075-026-045	2201 Patterson Rd	1.068	MU	CC - Community Commercial
075-043-051	2572 Patterson Rd	0.484	MU	CC - Community Commercial
075-043-052	6331 Jackson Ave	0.256	MU	CC - Community Commercial
075-043-054	2560 Patterson Rd	1.079	MU	CC - Community Commercial
075-043-068	2536 Patterson Rd	3.508	MU	CC - Community Commercial
075-043-069	2542 Patterson Rd	1.111	MU	CC - Community Commercial
132-047-077	3952 Patterson Rd	4.272	MU	MDR - Medium Density Residential
132-051-007	2906 Patterson Rd	0.444	MU	CC - Community Commercial
132-051-034	2836 Patterson Rd	0.310	MU	CC - Community Commercial
132-051-035	2808 Patterson Rd	1.557	MU	CC - Community Commercial
Total Acres*		73.015		

Total Number of Sites:

54

2005 - 2025 General Plan	
LDR	Low Density Residential
MDR	Medium Density Residential
HDR	Higher Density Residential
CC	Community Commercial
I / BP	Industrial/Business Park
MU	Mixed Use
CIVIC	Public and Quasi Public



plan approval by the City is required before the City will forward an annexation request to LAFCO. The City may elect to forward an annexation request that does not include the entire geographic area included in an approved specific plan. The City may elect not to request from LAFCO a Sphere of Influence update that includes the entire geographic area of a specific plan.

Specific plans are subject to CEQA analysis, with the City as the lead agency, pursuant to the statutory guidance, CEQA guidelines, and case law applicable at the time of processing.

The Riverbank General Plan anticipates large new growth areas northwest, east, and southwest of the City. New growth areas are located outside the City's current Sphere of Influence and jurisdictional limits. There are complex, large-scale infrastructure and public service planning and financing strategies required to implement such ambitious growth during build out of the General Plan. The specific plan process will be used to achieve certainty regarding the extent and character of urban development and conservation, as well as how that future development is provided with public services and utilities.

When considering whether to approve a specific plan, the Planning Commission and City Council will deliberate on such questions as: Does the proposed specific plan help the community to achieve the goals outlined in the Riverbank General Plan? Is the proposed specific plan consistent with policies and standards of the Riverbank General Plan?

Regional Expressway and Circulation Improvements

StanCOG and the member cities and the County have been working on regional expressway plans for the north Stanislaus County area, including an alignment that could potentially traverse the southern Riverbank Planning Area. Whether or not that east-west expressway comes to fruition, there are important transportation improvement and funding issues that must be addressed at the specific plan level. Developers will be required to develop and dedicate or set aside impact fees that will be used to expand east-west roadways to handle additional future traffic.

Given the layout of the City, many specific roadway improvements required to serve new growth are best estimated at the specific plan level, according to the generalized guidance in the General Plan. Frequent through connections across specific plan areas and from specific plan areas to the existing developed City will be required to connect together, forming a cohesive whole transportation system. As the Planning Area builds out over time, certain roads will be constructed, stubbed out for future use, and sized to handle growth of the Plan Area.

Specific plans will address the planning, design, phasing, and financing of the entire roadway system, include pro-rata sharing mechanisms for communitywide facilities, so that connectivity and accessibility are provided at the highest level. Specific plans will also be required to address access and alignment issues associated with the planning of a future regional expressway.



Specific Plan Content

If properly designed and implemented, a specific plan, as set forth in California Government Code, is a helpful tool for providing a transition between the citywide goals and policies contained in the General Plan and subsequent entitlement requests (e.g., tentative maps and conditional use permits).

The specific plan is essentially a complete "blueprint" for the development of a defined area; it includes land use and circulation diagrams, public facilities required to serve proposed land use, the cost and methods of financing needed public facilities and services, and guidance on implementation of the plan, including infrastructure phasing and development standards (i.e., zoning).

Specific plans must be consistent with the City's General Plan and the City's infrastructure master plans, as determined by the City, and contain information as required by State law and information including, but not limited to the following:

- Land use diagram and description
- Circulation system diagram and description
- Policies, design guidelines, and development standards for specific plan development
- Economic development
- Parks
- Affordable housing
- Cost analysis/fiscal benefit
- Public facility plan, including the location and sizing of major infrastructure (water, wastewater, storm drainage), and other public facilities (e.g., parks, schools, etc.) consistent with the General Plan, City master plans, and standards
- Phasing and financing of all public facilities, consistent with City requirements and LAFCO requirements for Sphere of Influence adjustment
- A description of the requirements, entitlements, and process for specific plan implementation
- Analysis of consistency with General Plan policies and diagrams

In addition to providing well-coordinated land use and infrastructure planning, specific plans shall provide the information necessary to support a Sphere of Influence expansion at LAFCO, including the information required by LAFCO for a Master Services Element.² Specific

² Refer to Stanislaus LAFCO Policies and Procedures online at <http://www.stanislauslafco.org/info/pdf/policy/policy.pdf>.

MAY 16 2024

DEVELOPMENT SERVICES

May 1, 2024

City of Riverbank
Attn: Miguel Galvez, Contract City Planner
6617 Third Street
Riverbank CA 95367

RE: River Walk Specific Plan/Draft Environmental Impact Report Comments, Riverbank, CA

Dear Mr. Galvez:

I would like to offer the following comments on the proposed River Walk Specific Plan project so that it becomes part of the permanent public record and is included in the Final Environmental Impact Report (EIR) for the referenced project. This project proposes to construct thousands of new homes, businesses, and infrastructure including parks, a walking trail around the entire perimeter, a new 4-lane road that would terminate onto McHenry Avenue, and two or three new water wells which would rely solely on groundwater to serve a 2-million gallon storage tank; nearly all of which would occur on river bottom land that is identified by the State Department of Conservation as "prime" and in sensitive riparian and wildlife habitat areas.

In reviewing the Draft EIR, I was unable to find in its various discussion chapters or the list of references, either of the following two reports/studies: the 2014 UC Davis Safe Passages: Local and Regional Wildlife Habitat Connectivity Planning, and the String of Pearls Parks, Stanislaus River, Stanislaus Audubon Society. Given that both of these reports/studies focus on area(s) within the River Walk Specific Plan planning area (The UC Davis study) or nearby areas (The String of Pearls Parks document), they should have been included and considered. Since they were not, the EIR's analysis falls short of being comprehensive and, therefore, should re-evaluate the potential biological impacts the Specific Plan could have. Following this re-evaluation/analysis, the EIR should be recirculated for comment.

Was this important information intentionally excluded from the EIR, and in particular the UC Davis study? The study was a Riverbank-centric ecological assessment that incorporated many spatial scales to ensure that important features of this area were not overlooked and potentially lost. Pages 3.4-30 & 31 of the EIR include several of Riverbank's 2005-2025 General Plan Policies which are relevant to avoiding negative impacts to riparian areas including CONS-4.1, 5.1, 5.2, 5.3 and 5.6 in particular. While Section 3.4 of the EIR discusses a list of potential impacts, the discussion fails to clearly demonstrate that the referenced Policies have been fully met. Specifically, Policy CONS-4.1 requires that a "permanent covenant" be provided that includes "an ongoing maintenance agreement." Please clarify where the EIR demonstrates that Policy CONS-4.1 will be fully met. Policy CONS-5.1 requires that projects avoid urban development of the Stanislaus River riparian corridor and habitat that is rare or supportive of special-status species. Policy CONS-5.2 requires that development applications "shall submit site plans that specifically show how development will avoid impacts to habitat that is rare, declining, unique or supportive of special-status species." The habitat of the Project Area is extremely

S/S

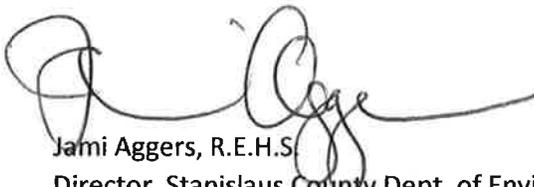
May 1, 2024

Page 2

River Walk Specific Plan/EIR

rare and supportive of special-status species, yet the impacts discussion simply says these areas “won’t be developed.” Please clarify where the EIR includes plans that specifically show how development will avoid impacts. Note: the River Cove development in Riverbank includes river access and has been closed to the public since 2021 due to numerous nuisance impacts, including destruction of natural habitat. Policy CONS-5.3 requires “clustering” to avoid important habitat areas. Approximately 1/3 of the Project Area has an existing land use (LU) designation that is designed to “cluster” development. Specifically, it is the underlying LU development for the “Reserve” designation and it’s called “Clustered Rural Residential (CRR).” The proposed Project, however, proposes to change the CRR designation to Residential which conflicts with Policy CONS-5.3. Policy CONS-5.6 requires projects to be “designed to avoid disturbance” of “important habitats and wildlife movement corridors.” Page 3.4-45 of the EIR describes 3.31 acres of Swainson’s Hawk potential nesting habitat that will be permanently destroyed when a proposed new access road is constructed. This same Policy also requires that “fragmentation of their habitats” not occur. The proposed Project would result in both of these impacts. The Impacts discussion lacks sufficient detail regarding how the Project will “fully mitigate” these impacts.

The UC Davis study concludes by recommending that a regional approach should be undertaken to preserve and enhance the ecological condition of this area and lists one possibility as integrating the study’s information into a regional habitat conservation plan (HCP). Further, the study points out that the area north of the Stanislaus River (and the Specific Plan area) is largely covered by an HCP, however, there is no HCP in Stanislaus County and that a program exists to fund “community separator greenbelts” for the preservation of farmland between cities to limit urban sprawl. This area currently serves as a community separator greenbelt, but if the River Walk Specific Plan is approved for implementation, that will be lost and urban sprawl is exactly what will result.



Jami Aggers, R.E.H.S.

Director, Stanislaus County Dept. of Environmental Resources (2012-2021, Ret.)

7730 McHenry Ave Modesto, CA 95356

Enclosures: 2014 UC Davis Safe Passages: Local and Regional Wildlife Habitat Connectivity Planning Report/Study
String of Pearls Parks, Stanislaus River, Stanislaus Audubon Society

SAFE PASSAGES: Local and Regional Wildlife Habitat Connectivity Planning



Prepared by

**Patrick R. Huber
Ryan C. Hill
and
Steven E. Greco**

June 2014

Safe Passages:
Local and Regional Wildlife Habitat Connectivity Planning

Prepared by:

Patrick R. Huber
Ryan C. Hill
and
Steven E. Greco

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Prepared for:

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Habitat Conservation Planning Branch
1416 9th St., 12th Floor
Sacramento, CA 95814

June 2014

EXECUTIVE SUMMARY

The ability of wildlife to move through a landscape in order to acquire or complement necessary resources for feeding, cover, and reproduction has been recognized as critical for the survival of animal populations. The Safe Passages project was initiated in 2008 to provide guidance to management agencies on how to incorporate this ecological process into land use planning. This report details a portion of the overall Safe Passages project, a linkage design for a local municipality that collaborated with researchers in order to better understand the ecological needs of their local region and to incorporate them into their local land use planning process.

The city of Riverbank is located adjacent to the Stanislaus River in Stanislaus County in the San Joaquin Valley. Using data derived in earlier portions of the Safe Passages project as well as land cover and species data specific to this analysis, the research team conducted a systematic conservation planning assessment for the area surrounding Riverbank. Marxan optimization software was used to perform conservation priority analyses of land parcels using a number of land cover and species specific data sources as input. These included connectivity assessments for four focal species at several spatial scales, habitat models for 22 sensitive species and ecosystem types, as well as mapped extents of five major land cover types.

Land ownership parcels receiving a high irreplaceability score at any of the scales of analysis in Marxan were identified as part of the linkage. Further, parcels that were not selected by Marxan but nonetheless had high connectivity scores for any of the focal species at any of the scales were included in the final linkage design.

The final linkage design includes: (1) parcels along the Stanislaus River that can either facilitate wildlife movement along the riparian corridor or provide habitat for resident species; (2) extensive, relatively intact grasslands and vernal pool complexes in the eastern portion of the study area; and (3) agricultural lands that can support both food production and ecological needs for native species.

The authors intend for the approach taken in this linkage design to be transferable, especially to other areas in the Central Valley or any regions that include extensive areas of working landscapes. The novel use of connectivity modeling in the Safe Passages project has the potential to provide important benefits to systematic conservation planning in this and other regions of California and beyond.

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INTRODUCTION

The Safe Passages project, launched in 2008, is a collaborative effort to advance the concepts, planning, and implementation of local and regional wildlife habitat connectivity within the state of California. The original team included both university research groups and conservation NGOs working closely with state agencies. Funding for the Safe Passages project has been provided by the Wildlife Conservation Society and the California Department of Fish and Wildlife (CDFW) to support the implementation of the State Wildlife Action Plan (SWAP) as well as Caltrans' compliance with requirements of federal transportation legislation. Included among the SWAP recommendations and priorities was the need for wildlife connectivity to be incorporated into state-wide, regional, and local planning processes (Bunn et al. 2007).

One of the major actions associated with the Safe Passages project is the design of a model linkage to serve as a prototype for future community planning efforts. The objective of this portion of the project was to design an implementable wildlife linkage in a location highly impacted by human activity and subject to many constraints imposed by the physical and regulatory setting. We selected as our study area a small incorporated city in the San Joaquin Valley (SJV), an agricultural region in California that is currently undergoing rapid urbanization. We made the decision to select the model linkage location from a group of willing local government entities. This interaction with local governments was deemed important to ultimately achieve the incorporation of connectivity planning results into city and county general plans, the primary policy vehicles guiding land use changes.

Study Area

The study area is located in the southern portion of California's Great Central Valley, in the San Joaquin Valley. The San Joaquin Valley (SJV) includes eight counties and measures approximately 7 million hectares (70,000 km²) in extent, spanning 450 km from north to south, and 150 km from east to west. The human population of this geographically and biologically diverse region is growing faster than Mexico's (CIA 2002) and has a poverty rate higher than that of the Appalachia region of the United States (Rural Migration News 2006). Prior to European settlement, the wildlife habitats of the valley floor were well connected to the foothills and Sierra Nevada mountains through natural community linkages, comprising a healthy, functioning ecosystem. During the late nineteenth and early twentieth centuries, however, the SJV became one of the most productive agricultural centers in the USA. Today, agriculture remains the predominant land use in the SJV, but burgeoning populations and the need for housing and supportive commercial and industrial development have intensified pressures on the regions natural resources. In the next 35–40 years, the population in the valley is projected to more than double, increasing from 3.3 million today to more than 7 million by 2040 (PPIC 2006). By 2050 there will be close to 8 million SJV residents.

The city of Riverbank is an incorporated municipality with a population of approximately 20,000 residents. It is located in northern Stanislaus County, adjacent to the south bank of the Stanislaus River (Figure 1). The river forms the border between Stanislaus and San Joaquin counties. The city lies on a high bluff (tens of meters in height) overlooking the river. It is primarily an agricultural center, founded as a railroad stop from which to ship locally produced crops. The natural vegetation in the area surrounding the city has been highly fragmented, the result of land conversions accompanying the intensification of post-Gold Rush agricultural production. Currently, about 4% of the area within a 10 km radius of the city can be considered natural vegetation (primarily riparian vegetation and annual grassland), with roughly 70% of the area used

for agriculture and 25% converted to urban uses (Huber et al. 2010b). The Stanislaus River is a major ecological feature of the area, and one of the major components of the city of Riverbank's open space and recreational system is Jacob Myers Park, located within the riparian zone. The Stanislaus River's headwaters begin in the Sierra Nevada mountains (east of the San Joaquin Valley), and the river flows roughly east to west for approximately 154 km before its confluence with the San Joaquin River approximately 25 km west of the city.

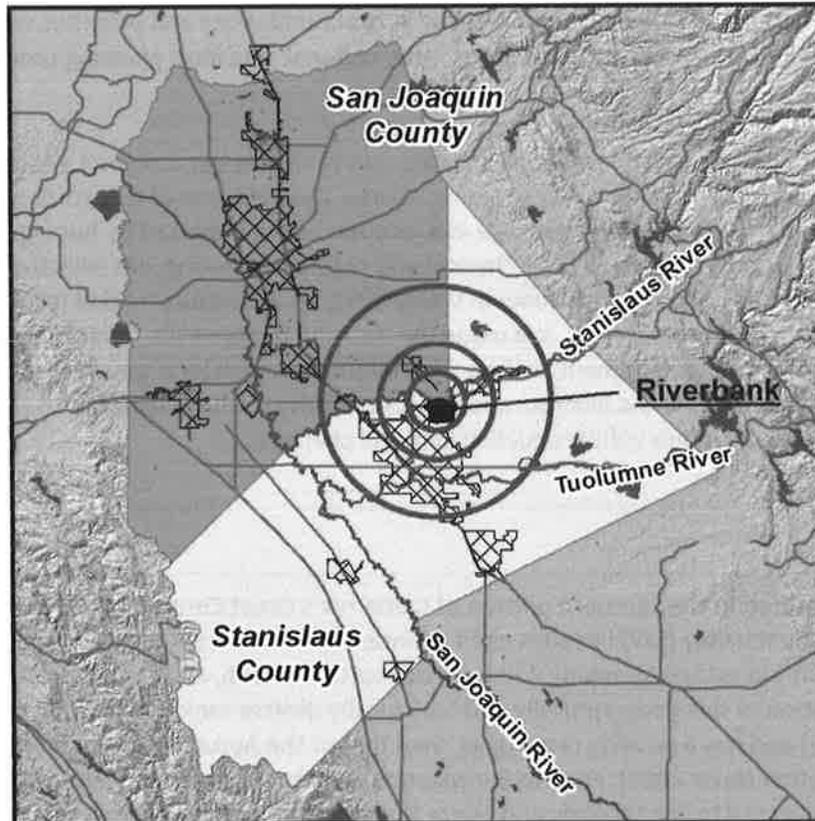


Figure 1. Study area. Red circles depict the three spatial scales assessed in this project: 5, 10, and 20 km radii from a point on the north edge of the city of Riverbank, Stanislaus County, California. Hatched areas are urban centers, except the city of Riverbank which is depicted as solid black fill.

Wildlife Habitat Connectivity

The ability of wildlife to move through a landscape in order to acquire or complement necessary resources for feeding, cover, and reproduction has been recognized as critical for the survival of animal populations (Taylor et al. 1993). One definition of habitat “connectivity” is the ability of an individual or population to move between habitat patches that provide these resources (Hilty et al. 2006). Habitat patches and landscape connectivity are species-specific concepts that are determined by an animal’s perception, vagility, and life history requirements, operating within a spatially explicit context of

topography, land cover (e.g. vegetation), hydrology, disturbance regimes, and other elements which determine the composition, configuration, and structure of the animal's environment. Connectivity can also be seen as the opportunistic movement of wildlife in response to environmental cues over various time frames. A species can undertake several types of movement events, which generally take place at different spatial and temporal scales at various life history stages. Daily movement can occur in the procurement of food and water, shelter, or other resource requirements. Seasonal movement, or "migration," might generally occur at a much larger spatial scale. Long distance juvenile dispersal or other colonization events might take place once in an individual's life or even less frequently, occurring only after a lapse of several generations. These various types of movement, coupled with inter-specific biological differences, lead to numerous ways in which to measure a landscape's connectivity in terms of habitat needs.

Management for landscape connectivity often focuses on planning and implementation of wildlife "corridors" (Dobson et al. 1999, Bennett 2003). Designed to facilitate animal (and plant propagule) movement between larger "core" habitats, these connective landscape configurations are often linear in form. While these ecological network components often fulfill important conservation management roles, they do not encompass the entirety of animal movement across a landscape. While a designated corridor might promote animal movement within its borders, between discrete termini, important ecological opportunities within the surrounding landscape, or "matrix", may be lost.

A fuller, 360° landscape view of connectivity rather than a constrained corridor-focused approach might be more effective and especially applicable in regions where there are few large core habitat areas (ecological nodes), as is the case in the San Joaquin Valley and the Riverbank study area. Such an approach would seek to "soften" some portion of the agricultural landscape matrix to make wildlife passage through a larger proportion of the landscape possible rather than relying entirely on a designated corridor. When any given landscape is dominated by human land uses, "softening the matrix" signifies an attempt to identify and ameliorate human generated barriers and impediments to ecological processes, thereby encouraging and potentially re-enabling certain ecological functions such as wildlife species movement to occur within those areas characterized by human land uses (e.g., farmland or cities) (Green et al. 2005; Noss and Daly 2006; Wiens 2006; Fischer et al. 2008). Examples of softening the agricultural landscape matrix include augmenting farm edges with hedgerows, constructing tail water ponds in low elevation areas, and vegetating canal edges (Robins et al. 2001; Long and Anderson 2010; Burchett and Burchett 2011). Urban areas and urban edges can also be softened to facilitate animal movement and other ecological functions (Soule 1991; Marzluff and Ewing 2001; Gehrt and Chelsvig 2003; Lundholm and Richardson 2010). Some examples in the city of Riverbank would be creation of multifunctional storm water detention basins that also provide habitat resources near the Stanislaus River and adding tertiary water treatment wetlands adjacent to the existing sewage treatment plant near the river. City parks can also contribute to softening the urban edge and, to some degree, provide wildlife connectivity resources.

This approach to planning for wildlife connectivity views the landscape holistically and strives to create an "ecological network" (Jongman and Pungetti 2004) consisting of traditional natural reserve cores and corridors along with cultural landscape features that function to contribute to animal habitat and movement. Ecological networks can integrate open space, urban areas, agricultural areas, and natural reserves into a single coherent system.

Previous Work

Previous work that the team conducted for this project (“Phase 1”) focused on developing new modeling techniques to assess connectivity. These techniques were designed to more fully integrate high circuitry, multi-directional connectivity rather than focusing on movement between a priori endpoints, or termini (Huber et al. 2012). These “least cost surfaces” were developed for four focal species: mule deer (*Odocoileus hemionus*), bobcat (*Lynx rufus*), San Joaquin pocket mouse (*Perognathus inornatus*), and western pond turtle (*Actinemys marmorata*). These species were selected to represent many of the major ecological needs of the region’s native species.

Further, it is known that the choice of spatial scale in analyses can affect the outcome of conservation planning efforts (Huber et al. 2010a). To address some of these concerns, connectivity was assessed at multiple spatial scales for each of the focal species, resulting in 12 distinct least cost surfaces (Huber et al. 2012).

Finally, an additional goal of the selection of the study site was to evaluate the future potential for re-establishing landscape connectivity between the relatively intact wildlands of the Sierra Nevada and ecologically important San Joaquin River and its associated riparian ecosystems. A traditional least cost corridor analysis was conducted between Stanislaus National Forest (east) and San Joaquin National Wildlife Refuge (west), based on mule deer habitat and movement patterns.

Linkage Design

While the previous analyses provide potentially useful management information as independent datasets, they were intended as inputs to a larger linkage design. The concept of a linkage design is the creation of a conservation plan that incorporates the important ecological features of the planning area with a particular focus on landscape connectivity for multiple species. The linkage design found in this report includes representative examples of major land cover types in addition to potential habitat for sensitive native plant and animal species. The land cover types included in the analysis were annual grassland (AGS), freshwater emergent wetland (FEW), valley foothill riparian forest (VRI), and wet meadow (WET). There were 22 sensitive species and habitat types also considered here, as well as vernal pool complexes (VP). This analysis also incorporated areas of high potential connectivity for the four focal species that are meant to serve as proxies for a wide array of the region’s native species.

Ecological patterns and processes occur at various spatial scales (Turner et al. 1989). The linkage was designed to address multiple scales in order to capture as many of the region’s ecological patterns and processes as possible. Land parcels representing land title ownership were chosen as the unit of analysis (as opposed to a normalized unit of land such as a square or hexagonal grid) because they are the most expedient unit for acquiring land or implementing usage regulations for incorporation into a linkage design. Selected parcels include connectivity needs assessed at four spatial scales in order to provide movement potential: (1) in the immediate vicinity of Riverbank; (2) at a larger local scale across the San Joaquin Valley floor; (3) at a larger regional scale that includes the lower end of the Sierra Nevada foothills; and (4) at the largest scale – linking the Sierra Nevada to the San Joaquin River.

The linkage design is meant to serve as a guide for local jurisdictions in making land management decisions. Different portions of the linkage will be included in the design for various ecological reasons and therefore will be associated with management suggestions appropriate for specific parcels. The

hypothesis of the linkage design is that if implemented it will provide the basis for sustainable management of existing and potential future ecological resources in the vicinity of Riverbank.

METHODS

Four categories of input data were used for the linkage design:

1. Conservation feature / land cover associations
2. Potential habitat for sensitive species
3. Land cover
4. Connectivity analyses for four focal species

Conservation Feature / Land Cover Associations

Objective: To compile a comprehensive list of land cover types which provide high quality habitat for the feeding, cover, or reproductive needs of the 22 sensitive species considered in the linkage design, or which provide the structural and ecological context for the sensitive habitat types considered. For instance, vernal pools, a sensitive habitat type considered in the linkage design, may be found in areas with land cover types of annual grassland (AGS), perennial grassland (PGS), or pasture (PAS).

Process

1. The California Department of Fish and Wildlife (CDFW) developed and maintains a database/client application called California Wildlife Habitat Relationships (CWHR). This wildlife and habitat information system contains life history, geographic range, habitat relationships, and management information on 694 species of amphibians, reptiles, birds, and mammals known to occur in California (CDFW 2014).
2. For each of the 22 species of special concern and five ecological community types (i.e., conservation targets) considered in the linkage design (Table 1), the ecological literature and CWHR were used to determine the land cover types considered to be of high value for the feeding, cover, reproduction, or ecological context of the conservation target. CWHR uses a scale of 'low,' 'medium,' and 'high' to rate the suitability of land cover types for a species according to its life history requirements (i.e., ecological needs). Any land cover type which ranked 'high' in CWHR for any one of the species' basic needs was considered in our analysis as a 'high' value land cover for that species.

Output

The output of the above process is a text file (hereafter referred to as the 'conservation target/habitat association file.') in which each conservation target is associated with a list of high quality habitat types according to the CWHR classification schema.

Potential Habitat Analysis

Objective: To estimate the total area (in acres) of potential habitat for 22 sensitive native species within each parcel in the scope of analysis (Table 1).

Key Inputs

1. **California Natural Diversity Database (CNDDDB) layer:** Point shapefile (CNDDDB May 2011) of centroids taken from CNDDDB polygons representing species observations.
2. **Land cover layer:** Central Valley land cover shapefile, derived from the National Land Cover Database (2006; Fry et al. 2011) and Fire and Resource Assessment Program (FRAP 2006), then crosswalked to California Wildlife Habitat Relationship (CWHR) classifications.
3. **Vernal pool layer:** US Fish and Wildlife Service (USFWS) Vernal Pool shapefile (USFWS 2005).
4. **Parcel layer** (Figure 2): Riverbank analysis area subdivided by ownership parcel. A 20 km radius was used to circumscribe the scope of analysis around the town of Riverbank. All parcels entirely within or intersected by the demarcation line were included within the scope of analysis. Analysis scopes employing 10 and 5 km radii were also used.

Process

1. For each conservation target, the following process was applied iteratively in ArcGIS 10.0.
 - A. CNDDDB observation centroids of the conservation target were buffered with a one mile radius to create circular polygons. This radius was selected in order to capture likely usable habitat within a close vicinity of the approximate occurrence points. Usable habitat could potentially be found beyond this distance, but a conservative extent was used to identify only the most likely habitat. The radius distance was also selected to help address the spatial uncertainty of CNDDDB data.
 - B. The circular polygons of the conservation target were used as a clip shape for the land cover layer.
 - C. The resultant clipped land cover was further refined by selecting only high value CWHR habitat types for that conservation target.
 - D. These high value land cover polygons for the conservation target were then overlaid with the parcel layer, and their areas summed by each parcel. In this way, land cover was employed as the conservation currency rather than species occurrence counts, making the accuracy of the point locations less critical. For instance, whether a conservation target point was located on one side of a parcel border or the other, a substantial portion of both parcels are likely to have their land cover evaluated for high quality habitat within the buffered polygon area.

Output

The output from the above process is a shapefile of all parcels within the scope of analysis. Each parcel constitutes a single polygon and record in the shapefile attribute table. For each conservation target within the scope of analysis, a field is named and written to the attribute table. The sum of aggregate high value habitat area for each conservation target is then calculated according to each parcel, and recorded in the designated field. For example, if a parcel contained high value habitat for five of the 22 conservation targets, then the parcel

record would have the five corresponding conservation target fields written with the summed habitat area for each of those conservation targets, while the fields for other conservation targets not found in that parcel would record zeros.

Notes

1. For conservation targets which are obligate vernal pool species, a USFWS vernal pool shapefile was clipped to the bounds of the CNDDDB species shapefile (see 2B above). This vernal pool area was summed and recorded for each parcel record in the field for the conservation target species.
2. For conservation targets which are facultative vernal pool species, both the USFWS vernal pool layer and CWHR cross-walked land cover layer were clipped to the area of the CNDDDB species shapefile. A union was performed between the two layers in order to aggregate high value habitat areas of all types pertinent to the species.

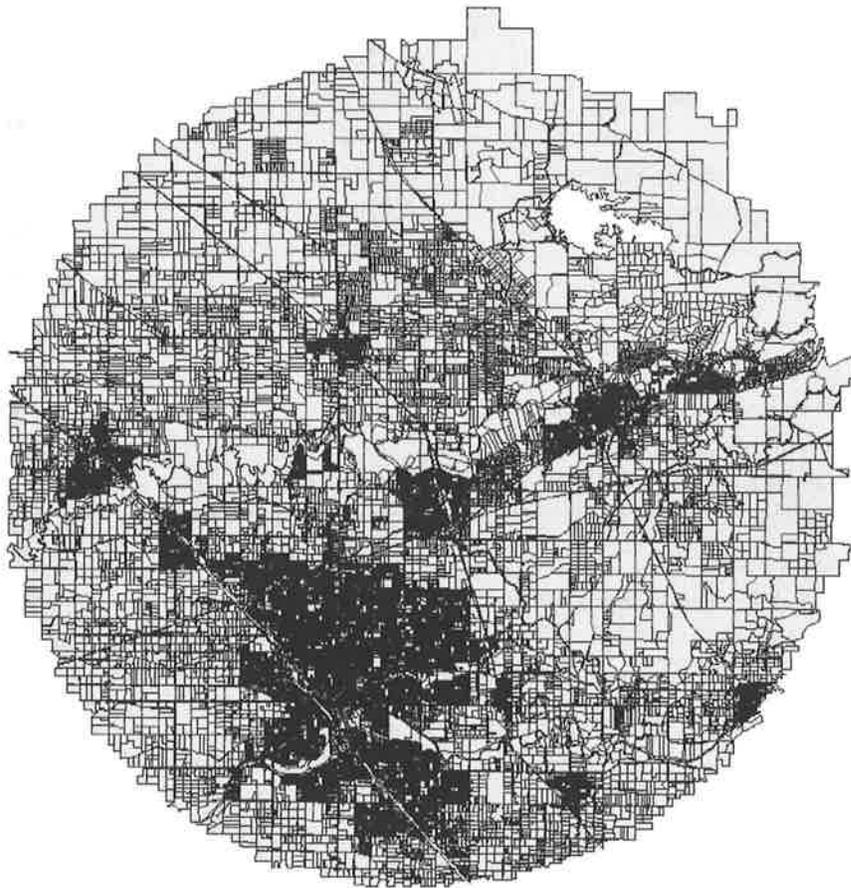


Figure 2. Parcel layer showing land ownership parcels within the largest (20 km) scope of analysis. A 20 km radius was used to circumscribe the perimeter of the largest study area. All parcels intersected by the demarcation line were included in the scope of analysis. Analysis scopes of 10 and 5 km were also used.

Table 1. Major land cover types and sensitive species. These 27 types were conservation targets in the Marxan analyses. The total area of each in the study region, the overall conservation goal for each (as a percentage of their total area), and the data source for each are included.

Conservation Target	Total (ac)	Target (%)	Source
Annual Grassland	40,365.6	50	CWHR
Freshwater Emergent Wetland	3,151.7	100	CWHR
Valley Foothill Riparian Forest	1,269.8	100	CWHR
Wet Meadow	0.8	100	CWHR
Tricolored Blackbird	3,698.7	75	CNDDDB
California Tiger Salamander	2,718.1	75	CNDDDB
Burrowing Owl	2,903.2	75	CNDDDB
Aleutian Canada Goose	13.6	75	CNDDDB
Swainson's Hawk	3,425.7	75	CNDDDB
Valley Elderberry Longhorn Beetle	118.0	75	CNDDDB
Elderberry Savanna	13.5	75	CNDDDB
Western Pond Turtle	183.4	75	CNDDDB
Delta Button-Celery	6.8	75	CNDDDB
Hoary Bat	120.1	75	CNDDDB
Vernal Pool Tadpole Shrimp	11,299.1	75	CNDDDB
California Linderiella	6,678.6	75	CNDDDB
Hardhead	293.3	75	CNDDDB
Yuma Myotis	119.3	75	CNDDDB
Colusa Grass	365.8	75	CNDDDB
Riparian Woodrat	0.8	75	CNDDDB
Nothorn Hardpan Vernal Pool	4,741.3	75	CNDDDB
San Joaquin Valley Orcutt Grass	322.0	75	CNDDDB
Hartweg's Golden Sunburst	390.2	75	CNDDDB
Riparian Brush Rabbit	0.8	75	CNDDDB
Greene's Tuctoria	322.0	75	CNDDDB
Great Valley Mixed Riparian Forest	40.5	75	CNDDDB
Vernal Pools	21,526.1	50	USFWS

Land Cover Analysis

Objective: To calculate the total coverage (in acres) of various CWHR land cover types within the parcels in the scope of analysis. The assessed land cover types were annual grassland (AGS), freshwater emergent wetland (FEW), valley foothill riparian forest (VRI), wet meadow (WTM), and vernal pools (VP) (Table 1).

Key Inputs

1. **Land cover layer:** Central Valley land cover shapefile crosswalked to California Wildlife Habitat Relationship (CWHR) classifications.
2. **Vernal pool layer:** USFWS vernal pool shapefile.
3. **Parcel layer:** Riverbank analysis area subdivided by ownership parcel. Parcel data were acquired from each county's Assessor's office: Stanislaus County in 2009, San Joaquin County in 2010. Parcels within or intersected by circles of 20 km, 10 km, and 5 km radii comprised the analysis areas.

Process

1. A clean parcel layer (extraneous attribute fields removed) was created in order to store the summed values of each CWHR land cover type within each parcel (summary parcel layer).
2. A master land cover list was generated of all land cover types which offered high value habitats, by iterating through the conservation target/habitat association text file and extracting one of each high quality land cover type occurrence. Though agricultural crops often constitute high value species habitat, they were not considered to be relevant conservation targets for this analysis. The final master land cover list was comprised of the following land cover types: annual grassland (AGS), freshwater emergent wetland (FEW), valley foothill riparian forest (VRI), wet meadow (WTM), and vernal pools (VP).
3. In the attribute table of the summary parcel layer, a field was created and named for each land cover type in the master land cover list. Each of these fields holds the acreage sum of its respective land cover types for each parcel record in the table.
4. The USFWS VP layer was dissolved into a multi-part polygon and then clipped down to the largest scope of analysis using a dissolved parcel layer as clip shape (a dissolve of the layer in Figure 2, above). The VP polygon was further refined to only those areas which the land cover layer classified as annual grassland (AGS), perennial grassland (PGS), or pasture (PAS). This was achieved by making a selection on the land cover layer for all polygons classified as either AGS, PGS, or PAS, then clipping this target selection with the vernal pool polygon clip shape.
5. The parcel layer was intersected with the land cover layer, hereafter referred to as 'parcel/land cover intersection layer'.
6. For each land cover type in the master land cover list, the following operation was applied iteratively in ArcGIS 10.0.
 - A. Each CWHR land cover type was selected from the parcel/land cover intersection layer.
 - B. A summary analysis operation was performed on the land cover type selection, which calculated the total acreage of all polygons of the land cover type, for each parcel. The resultant acreage sum of the land cover type for each parcel record was written to the attribute table of the summary parcel layer, in the field named for that land cover type.

7. The parcel layer was then intersected with the refined VP layer. The area of all VP intersect polygons was then totaled by parcel in a summary analysis operation. The resultant acreage sum for VP land cover for each parcel record was written to the attribute table of the summary parcel layer, in the field named for VP.

Output

The output from the above workflow is a summary parcel shapefile in which a field is created for each land cover type in the attribute table. Each parcel within the scope of analysis constitutes a single record in the parcel summary shapefile, in which the total acreage of each land cover type is recorded in the corresponding field.

Notes

1. Total acreage of Vernal Pool habitat for each parcel record was computed from the refined USFWS vernal pool layer, narrowed to those areas which overlapped with a CWHR land cover polygon of type AGS, PGS, or PAS.

Connectivity Analysis

Objective: To calculate a total connectivity value for each parcel for four focal species at three spatial scales and one focal species at a fourth.

Key Inputs

1. **Focal species connectivity rasters:** A set of 10 m connectivity rasters were generated for four focal species: bobcat, pocket mouse, mule deer, and western pond turtle during Phase 1 of this project. The four species were chosen to represent the differential movement and dispersal modes of a range of species through the landscape. For the purposes of this portion of the study, "connectivity" is defined as the ability of a focal species to move through a raster cell. The connectivity rasters for each focal species were generated using a least cost approach, which considered potential animal movement in any direction across the field of analysis, rather than between pre-determined terminal points (with the exception of the Stanislaus – San Joaquin mule deer corridor raster). The final product of a least cost approach is the assignment of a numeric value to each raster cell mapped onto the landscape (see Huber et al. 2010b or Huber et al. 2012 for a description of how connectivity values were calculated for each raster cell). A high cell value indicates high connectivity, while a low value indicates low connectivity. A high connectivity value indicates: (1) ease of movement for the focal species across that cell, which may be a result of favorable vegetation structure or lack of barriers; or (2) presence of vital resources which act as species attractors. Such attractors may be food, water, cover, or special habitat elements such as snags in the case of woodpeckers, or rodent burrows in the case of salamanders or snakes which advantageously make use of them. Low connectivity values within a raster cell indicate greater difficulty for a focal species' movements, due to inhospitable

terrain, unsuitable habitat for movement, or other barriers. Low connectivity values may also imply a paucity of food or other vital resources.

In summary, a high connectivity value for a raster cell mapped to the landscape may be equated with a high suitability rating for that species. The landscape is amenable to the species' needs, and is proximal to other landscape cells which are similarly inviting. In contrast, a low connectivity value for a cell connotes that the landscape is 'hostile' to the species or surrounded by landscape of low suitability for that particular species. Low connectivity values imply that an organism will likely choose an alternate path comprised of higher value cells if presented the choice.

2. **Stanislaus – San Joaquin mule deer corridor raster:** A connectivity raster was generated for a mule deer corridor between the Stanislaus National Forest and San Joaquin National Wildlife Refuge. A high cell value indicates high connectivity, a low value, low connectivity.
3. **Parcel layer:** The Riverbank analysis area was subdivided by ownership parcels, in which each parcel constitutes a record in the attribute table. A field for each of the four focal species at each scope of analysis and the mule deer corridor was created in the attribute table, in order to hold a final 'connectivity score' for each parcel according to each raster.

Process

1. For each of the four focal species connectivity rasters and the Stanislaus – San Joaquin mule deer corridor raster, a Zonal Statistics operation was performed to determine the mean connectivity value of each parcel. This is the sum of all connectivity values from each 10 m cell within a parcel, divided by the number of cells in the parcel.
2. The mean connectivity value was multiplied by the area of the parcel (in acres) in order to determine a total 'connectivity score' for the parcel, i.e., the overall attractiveness to species movement and exploration contributed by each parcel.
3. The mean connectivity score for each parcel was written to a field created in the summary parcel layer and named for the focal species and scope of connectivity analysis. This was repeated for each of the four focal species at each of the three scopes of analysis, for a total of 12 connectivity fields written to the summary parcel layer. Each parcel, i.e., each record in the attribute table, received a total 'connectivity score' for each of these 12 fields.
4. To better understand how connectivity scores are analyzed, a brief hypothetical example may help to illustrate:

Consider three parcels: #1, #2, and #3, where each successive parcel is twice the size of that preceding it. If we consider parcel #1 to have an areal unit of 1, then parcel #2 has an area of 2, and parcel #3 has an area of 4. After finding the average connectivity value for each parcel, the results are as follows:

Parcel #1. Average connectivity value = 5

Parcel #2. Average connectivity value = 2

Parcel #3. Average connectivity value = 3

The formula for total parcel connectivity is the average parcel connectivity value * parcel area, so results for this example are:

Parcel #1: average value 5 * 1 areal unit = connectivity score of 5
Parcel #2: average value 2 * 2 areal units = connectivity score of 4
Parcel #3: average value 3 * 4 areal units = connectivity score of 12

This example demonstrates the key point that total connectivity contributed by a parcel is a function of both the quality of connectivity and the quantity. Parcel #3 has a mid-range average connectivity score of 3 across all of its cells. However, because parcel #3 is twice the size of parcel #2 and four times the size of parcel #1, its total “connectivity contribution” to a connectivity model is the greatest of the three parcels.

Output

The output from the connectivity assessment operation is a summary parcel layer with a field for each of the 12 connectivity rasters written to the attribute table. To each field is recorded a final connectivity value for each parcel record in the table. The above described zonal statistics operations and total connectivity scores were determined for each parcel for each of the four focal species, at 20 km, 10 km, and 5 km scopes of analysis.

Marxan Analysis: Conservation Feature Summary Table

Marxan input file (puvspr.dat)

The default file name for the conservation feature summary table, one of three principal Marxan input files, is ‘puvspr.dat’. ‘Puvspr’ is an acronym derived from **planning unit vs species**, while ‘.dat’ is a file type suffix indicating a ‘data’ file which in this case is expected by Marxan software to be text.

Objective: Consolidate and reformat GIS analyses of conservation feature quantities within each parcel for input to Marxan software.

Results from CNDDb, land cover, and connectivity analyses have been stored in separate parcel summary layers. The purpose of the conservation feature summary table is to compile the results from these separate analyses, and translate them into the input form required by Marxan optimization software. This puvspr.dat input file consists of a single table with three fields:

1. **'species'**: A field which holds an arbitrary but unique identification number for each conservation feature. The terms ‘species’ is a logical choice to describe conservation features, as it is typically a suite of true biological species which are the objects of most Marxan based conservation analyses, and ‘species’ is the naming convention expected by Marxan software to identify conservation features. In our case, however, we have extended our suite of conservation features to include several sensitive habitat types, and in this context we will retain the word ‘species’ in quotes to designate that it is a table field name which signifies an expanded domain of conservation features.
2. **'pu'** (planning unit): The unique identification number for a particular parcel.

3. **'amount'**: The amount (in acres) of a conservation feature ('species') which occurs in a specific parcel, or planning unit ('pu').

Key inputs

1. Summary parcel layers.
 - A. **CNDDDB results layer**: A parcel layer with CNDDDB results fields.
 - B. **Land cover results layer**: A parcel layer with land cover results fields.
 - C. **Connectivity results layer**: A parcel layer with connectivity results fields.

Process

1. **Write Conservation Feature Summary Table** (puvspr.dat file). Each summary parcel layer is iterated across each field of the attribute table, holding results from the previous CNDDDB, land cover, and connectivity analyses. The first field encountered is assigned an arbitrary 'species' number (beginning with 1). A new record is created in the conservation feature summary table for each parcel which contains 'species 1', and the amount (acreage) of coverage for that 'species.' Each subsequent field is assigned the next 'species' number in sequence and a new record is created for each parcel, or planning unit ('pu') containing the 'species', and the acreage of 'species' representation is recorded in the 'amount' field.

Output

1. The output from the above operation is a table with three fields: 'species', 'pu', and 'amount'. The table is written with a new record for each conservation feature ('species') occurring in each parcel, along with the acreage sum in which the conservation feature is represented. This table, with a simple name change, becomes the puvspr.dat Marxan input file.

Marxan Analysis: Planning Unit Summary Table

Marxan input file (pu.dat)

The default file name for the planning unit summary table, one of three principal Marxan input files, is 'pu.dat'. 'Pu' is an acronym derived from **planning unit**, while '.dat' is a file type suffix indicating a 'data' file which in this case is expected by Marxan software to be text.

Objective: Consolidate and reformat GIS analyses of planning units (parcels) for input to Marxan.

Each planning unit (parcel) possesses a unique identification number. Each planning unit is also assigned a 'cost' for inclusion into a conservation network, as well as a 'status' indicating whether the parcel is already conserved (locked into a reserve design), is to be excluded from analysis (e.g. is primarily urban), or is 'in play' for potential inclusion in a conservation network design.

Key Inputs

1. **Parcel layer**: The Riverbank analysis area subdivided by ownership parcel. A 20 km radius was used to circumscribe the scope of analysis around the city of Riverbank. All parcels entirely

within or intersected by the demarcation line were included within the scope of analysis. Scopes of 10 and 5 km were also used.

2. **Land cover layer:** This is the Central Valley land cover shapefile cross-walked to CWHHR vegetation classifications.
3. **CPAD layer:** The California Protected Areas Database (2011b) shapefile.
4. **NCED layer:** The National Conservation Easement Database (2011) shapefile.

Process

1. **Urban land cover extraction:** Land cover polygons designated as 'urban' were selected from the land cover layer and written to an **urban layer**.
2. **Exclude urban parcels from analysis:** A summary analysis operation was performed on the intersected regions of the urban layer and parcel layer, to produce the sum of urban area per parcel. Parcels > 50% urban were excluded from analysis.
3. **Lock-in conserved areas:** The CPAD and NCED polygons were aggregated into a **protected areas layer**. A summary analysis operation was performed on the intersected regions of this protected areas layer and the parcel layer, to produce the sum of current protected areas per parcel. Parcels > 50% protected were locked into inclusion in our conservation network models.
4. **Create Planning Unit Summary Table (pu):** The planning unit table is written with three fields: 'id' (unique parcel identification number), 'cost', and 'status'.
 - A. **Cost:** Cost is defined here as monetary cost per acre. Cost per acre for each parcel was calculated according to the equation:

$$\ln(\text{cost/acre}) = 12.55017 - 0.79771(\ln(\text{acres}))$$

This function was developed for the Elkhorn Slough watershed on California's Central Coast (Thorne et al. 2009). While the actual per acre parcel cost is likely different than in the watershed in which it was assessed, we assume that the general relationship holds: larger parcels have a lower cost per unit area than small parcels, and more recent parcel transactions are more representative than older ones. Unfortunately, specific data for the SJV study area have not been developed to date and is beyond the scope of this study. We use these calculated land parcel values to indicate relativistic costs, not actual costs.

- B. **Status:** There are three potential states for each planning unit (parcel): (1) locked in (> 50% conserved), (2) locked out (> 50% urban), or (3) 'in play,' which describes all parcels not locked-in or out.

Output

The output from the above process is a planning unit summary table (pu) with three fields: 'id', 'cost', and 'status'. Each planning unit (parcel) receives a single record in the table, and is assigned the appropriate cost and status according to the logic described above.

Marxan Analysis: Species Summary Table

Marxan input file (spec.dat)

The default file name for the species summary table, one of three principal Marxan input files, is 'spec.dat'.

Objective: Consolidate and reformat GIS analyses of conservation features ('species') for input to Marxan.

The species summary table (spec.dat file) must have nine fields expected by the Marxan software. Several of these fields may be assigned values of zero and then do not play a role in the Marxan computations. The four pertinent spec.dat fields utilized in this analysis are as follows:

- A. **'ID'**: An arbitrary numeric identification code which is assigned to each conservation feature or 'species.'
- B. **'Name'**: This field serves to hold the name of the 'species' and associate it with its assigned ID code.
- C. **'Target'**: The target field defines the acreage goals for each conservation feature which Marxan is attempting to achieve with each of its model runs. These goals are user defined. Total available acreages for each land cover type have been determined in the analyses above, and the user must now select a proportion of what is available to conserve.
- D. **'Spf'**: This field name is an acronym for 'species penalty factor.' Varying degrees of penalty factor may be assigned if Marxan fails to meet the user defined goals ('targets') for each conservation feature ('species'). This penalty factor serves to prioritize the magnitude of importance which the user has placed on achieving the goals for each 'species'. Spf was set to 1 for each conservation feature.

The conservation goals that were input into Marxan are as follows:

- Sensitive species habitat: 75% of total extent of each habitat
- Connectivity: 50% of total least cost surface values for each focal species at each spatial scale
- Annual grassland: 50% of total extent of the land cover type
- Vernal pool complexes: 50% of total extent of the land cover type
- Freshwater wetlands, riparian forest, wet meadow: 100% of total extent of each land cover type

Scopes of Analyses

The various GIS-based analyses and consolidation of information for Marxan input files described above were applied at three scopes of analysis around the city of Riverbank. In addition to the 20 km radius which circumscribed the largest scope of analysis, radii of 10 and 5 km were also used to define analysis zones around Riverbank. Any parcels which fell within, or were intersected by the demarcation line, were included in the particular scope of analysis.

Marxan Analysis

Marxan analyses were conducted at the three spatial scales described. Runs totaled 100 for each analysis, and a boundary modifier of 1,500 was used for all analyses at the three scopes. Boundary modifiers are used in Marxan to control the “clumping” of planning units selected during an analysis. We used several test runs to determine a modifier that encouraged some clumping while not forcing a solution that included numerous parcels selected merely for their adjacency to existing conservation areas or parcels selected for their ecological attributes.

Linkage Identification

Parcels were selected in several ways to be included in the final linkage design. First, any parcel that was selected more than 75% of the time in a Marxan analysis at any scale was included. These parcels represent the set of parcels that best met the full suite of ecological goals that were input into Marxan. To ensure that adequate landscape connectivity was represented, parcels were also selected that did not meet the Marxan threshold but did possess high connectivity scores for at least one focal species at one spatial scale. Finally, parcels were selected that did not meet the Marxan threshold but had high values in the analysis conducted for mule deer connectivity between Stanislaus National Forest and San Joaquin National Wildlife Refuge. Together, these three elements constitute the final linkage design.

RESULTS

The Marxan analyses resulted in three sets of output files, one for each scale of analysis. Those used in the linkage design were the “summed solution” files, indicating the number of times out of 100 runs that a particular parcel was selected as part of a low cost set of planning units.

The analysis at the 5 km radius resulted in many of the parcels immediately surrounding Riverbank to be selected at least once by Marxan (Figure 2). Parcels selected all or most of the time were concentrated along the Stanislaus River, the southwestern edge of Riverbank, and several kilometers east of Riverbank.

The 10 km analysis yielded many fewer parcels that had intermediate scores (Figure 3). In fact, almost every parcel was either selected every time or never. Most of the selected parcels were either along the Stanislaus River or scattered to the east of Riverbank.

Results from the analysis at 20 km were similar to those at 10 km; there were very few parcels with intermediate scores (Figure 4). In addition to the patterns found at 10 km, many large parcels at least 15 km east and northeast of Riverbank were selected. These parcels represent the location where farming gives way to ranching, resulting in the presence of relatively intact grassland areas.

To identify the parcels comprising a linkage design, we selected those that were found in more than 75% of the Marxan solutions in at least one of the scales of analysis (Figures 5 and 6). While not implying that those not meeting this threshold are not important to conservation in this region, those that exceed the threshold were found to most likely contribute important features to a regional ecological network. This subset of parcels totaled 853, comprising 69,179 acres of land.

Annual grassland (AGS) had by far the greatest extent of land cover types found in the selected parcels: 26,040 acres (Table 2; Figure 7). Much less freshwater emergent wetland (FEW) was included (1,581 acres), followed by valley foothill riparian (VRI) forest (685 acres) and wet meadow (WTM) (0.9 acres). However, because of the distributed nature of wetlands in the study area, more parcels were needed to meet these totals (296 vs. 275). The combined area of the parcels selected for these land cover types is similar as well: 53,536 acres contained the total AGS compared with 44,624 acres for FEW. The total VRI was also found scattered across many parcels (146, for a total of 23,258 acres). WTM was only found on one parcel.

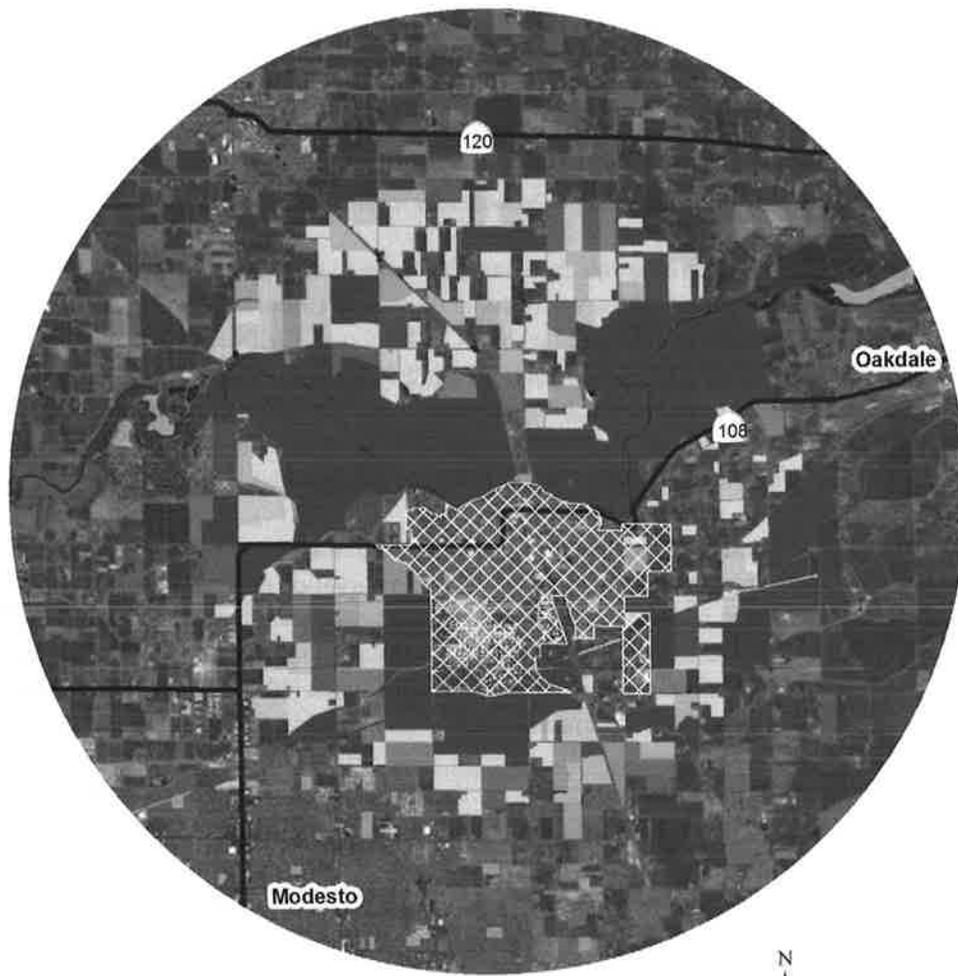
The greatest extent of habitat within the selected parcels (Table 2) was 8,472 acres (vernal pool tadpole shrimp). Other extents greater than 1,000 acres include: California Linderiella (5,061 acres), northern hardpan vernal pool (3,532 acres), tricolored blackbird (2,778 acres), California tiger salamander (2,003 acres), burrowing owl (1,919 acres), and Swainson's hawk (1,702 acres). The smallest habitat extents were riparian woodrat and riparian brush rabbit (both 0.8 acres). The greatest number of parcels included was for burrowing owl (141 parcels). Other habitats found on numerous parcels were Swainson's hawk (59 parcels) and vernal pool tadpole shrimp (43 parcels).

Parcels will generally be included in the linkage through fee title or easement purchase of the full property rather than portions that may contribute the most towards conservation goals. Therefore, the total area of parcels that would be required to protect the habitat extents (above) were calculated. The total area of parcels in the linkage that included any habitat (Table 2) was greatest for vernal pool tadpole shrimp (16,376 acres). Other large total parcel areas include Swainson's hawk (10,099 acres), northern hardpan vernal pool (9,546 acres), California tiger salamander (8,932 acres), and California Linderiella (8,274 acres).

The focal species-based connectivity accounted for by the Marxan-selected parcels follows the patterns found in previous analyses (Huber et al. 2010b, Huber et al. 2012). Parcels along the Stanislaus River and comprising the pasture lands just east of Riverbank were selected by Marxan for meeting the 5 and 10 km radius connectivity needs, while those in the more intact grasslands in the eastern portion of the study area were selected to meet the goals for connectivity at the 20 km extent (Figure 8). Parcels meeting the conservation goals for the regional mule deer corridor were concentrated along the Stanislaus River (Figure 9).

Parcels with high levels of modeled connectivity but not selected by Marxan were found for all four focal species at all three scales with the exception of western pond turtle at the 5 km scale (Figure 10). Some important connectivity areas for bobcat and mule deer were found: (1) on the northeast edge of Riverbank linking the Stanislaus River with pasture lands east of the city (5 km); (2) crossing CA Highway 120 just north of Oakdale (10 km); and (3) linking large grassland blocks across CA Highway 120/108 east of Oakdale (20 km). Some important connectivity areas for San Joaquin pocket mouse were found: (1) east of Riverbank linking the Stanislaus River with pasture lands east of the city (5 km); (2) linking pasture lands south of Oakdale (10km); and (3) linking large grassland blocks north of Woodward Reservoir (20 km). Some important connectivity areas for western pond turtle were found: (1) filling gaps along the Stanislaus River west of Riverbank (10 km); and (2) linking large grassland blocks across CA Highway 120/108 east of Oakdale (20 km).

Parcels that provide regional mule deer connectivity but fall outside the Marxan solution (Figure 11) fall into three categories: (1) linking large blocks of eastern grasslands with the Stanislaus River riparian corridor generally north of Oakdale; (2) filling gaps in the Stanislaus River riparian corridor between Oakdale and Ripon; and (3) linking the Marxan-identified parcels along the Stanislaus River with currently protected areas (e.g. Caswell Memorial State Park) along the river in the western portion of the study area.



Marxan 5km Summed Solution

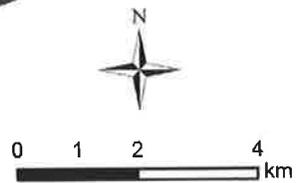
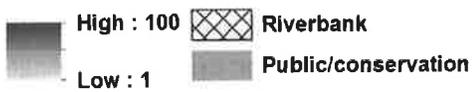
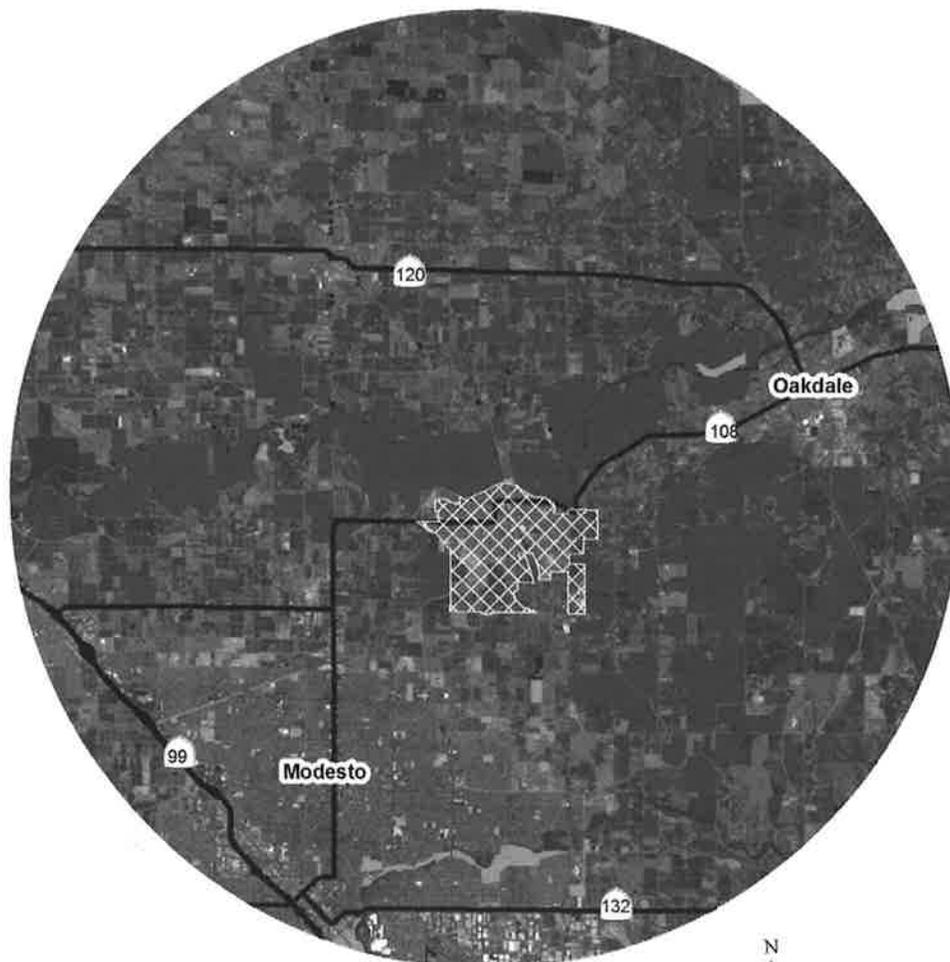


Figure 3. Marxan results at the 5 km scale. Values indicate the number of times (out of 100 runs) that a parcel was selected by Marxan as part of a “low cost” reserve network.



Marxaan 10km Summed Solution

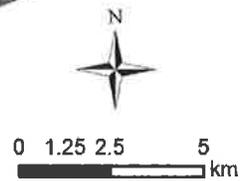
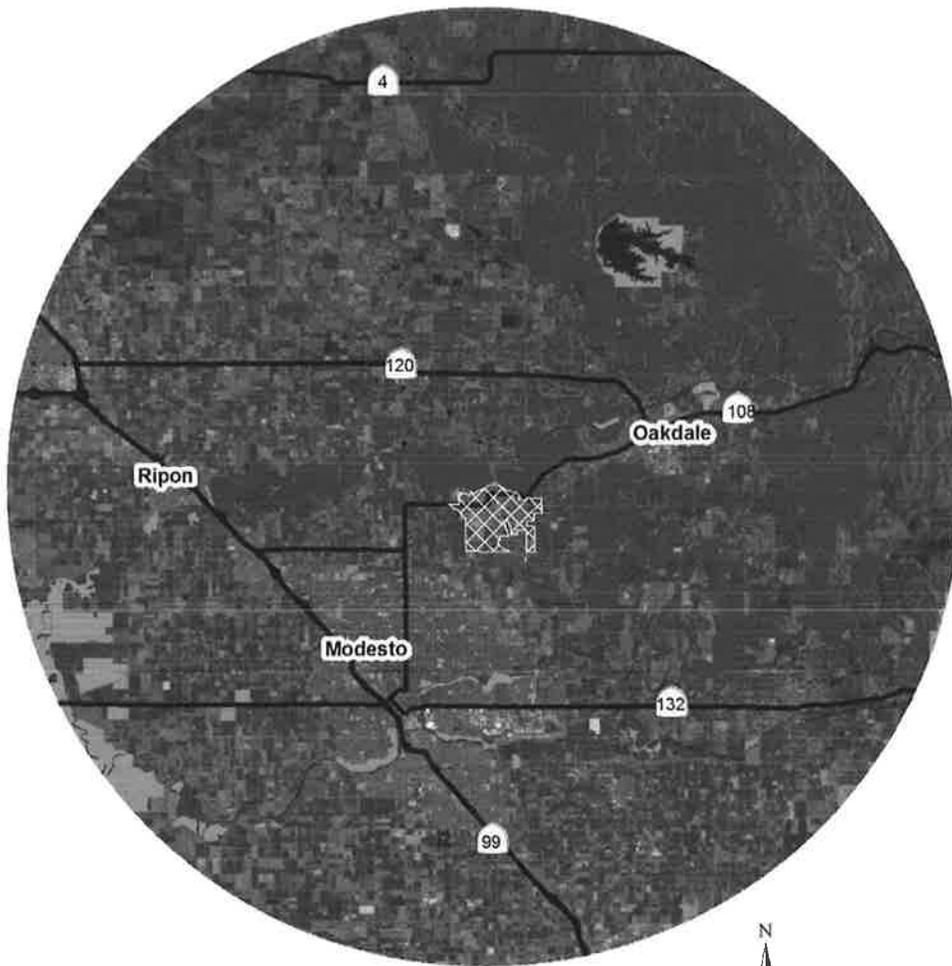


Figure 4. Marxaan results at the 10 km scale. Values indicate the number of times (out of 100 runs) that a parcel was selected by Marxaan as part of a “low cost” reserve network.



Marxa 20km Summed Solution



Figure 5. Marxa results at the 20 km scale. Values indicate the number of times (out of 100 runs) that a parcel was selected by Marxa as part of a “low cost” reserve network.

Table 2. Total amount of each conservation target found within the parcels selected by Marxan. “Parcels” refers to the number of parcels on which these conservation targets were located. “Area” is the total area of the parcels (which will usually be larger than the “Total” because there are often multiple land cover types within any given parcel).

Conservation Target	Total (ac)	Parcels	Area (ac)
Annual Grassland	26,039.9	275	53,536.3
Freshwater Emergent Wetland	1,581.1	296	44,624.2
Valley Foothill Riparian Forest	684.6	146	23,257.7
Wet Meadow	0.9	1	28.5
Tricolored Blackbird	2,777.6	20	7,873.0
California Tiger Salamander	2,003.4	24	8,932.0
Burrowing Owl	1,919.1	141	2,915.0
Aleutian Canada Goose	10.8	4	147.8
Swainson's Hawk	1,702.0	59	10,099.0
Valley Elderberry Longhorn Beetle	88.2	23	1,910.7
Elderberry Savanna	13.5	1	179.2
Western Pond Turtle	75.2	12	992.0
Delta Button-Celery	6.8	2	312.7
Hoary Bat	85.1	24	992.7
Vernal Pool Tadpole Shrimp	8,472.1	43	16,375.9
California Linderiella	5,060.9	24	8,273.9
Hardhead	215.5	17	1,549.3
Yuma Myotis	85.1	24	992.7
Colusa Grass	285.9	3	2,390.4
Riparian Woodrat	0.8	1	179.2
Nothern Hardpan Vernal Pool	3,532.1	20	9,546.1
San Joaquin Valley Orcutt Grass	242.1	2	946.4
Hartweg's Golden Sunburst	362.4	6	2,410.0
Riparian Brush Rabbit	0.8	1	179.2
Greene's Tuctoria	242.1	2	946.4
Great Valley Mixed Riparian Forest	40.5	2	312.7
Vernal Pools	15,520.4	77	31,074.2
Total		853	69,179.3

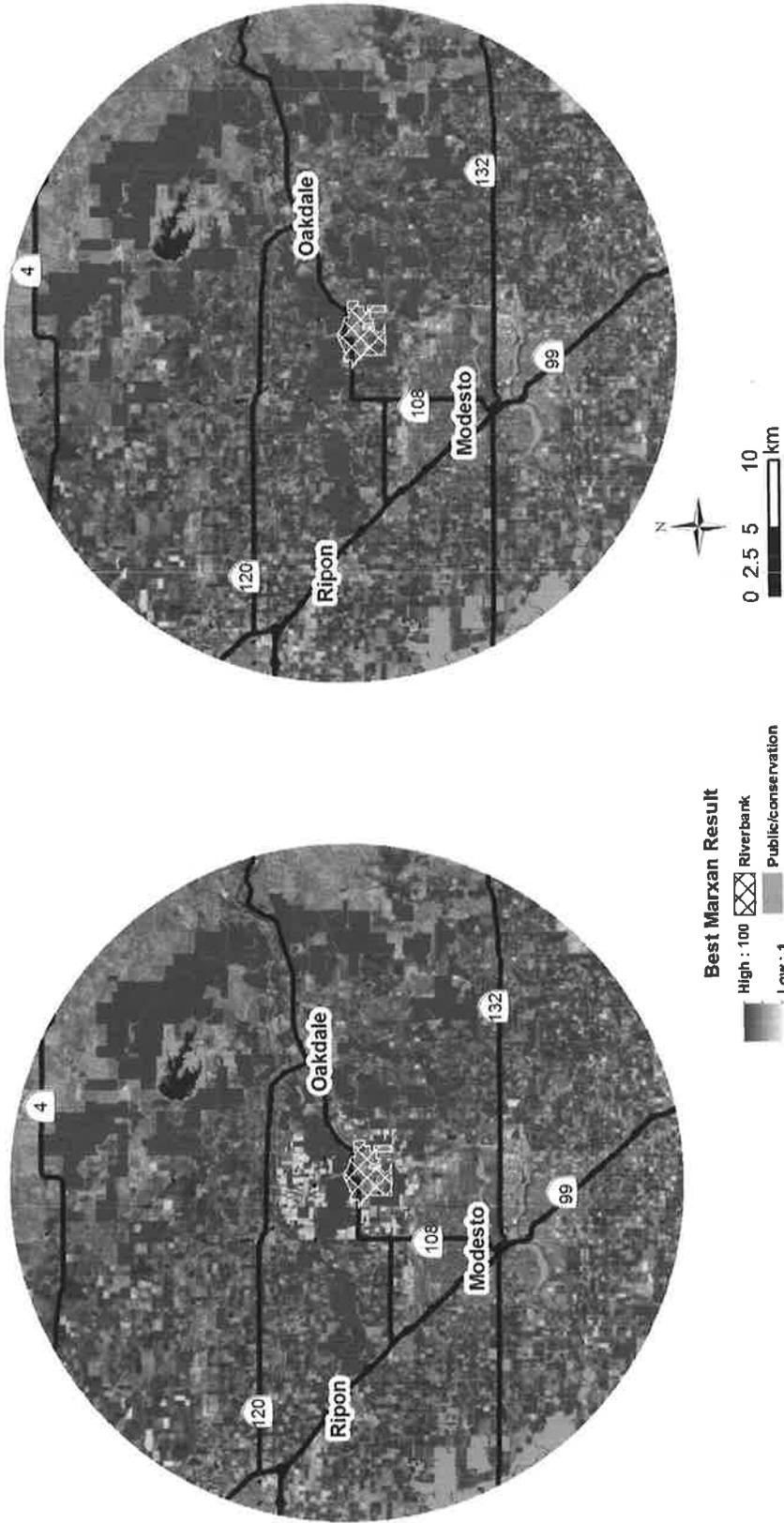


Figure 6. The largest “summed solution” score across the three scales of analysis for each parcel (left) and parcels that had a “summed solution” score of more than 75 in any of the scales of analysis (right). The map on the right represents the final linkage area.



Figure 7. The previous map of selected parcels zoomed to the vicinity of Riverbank.

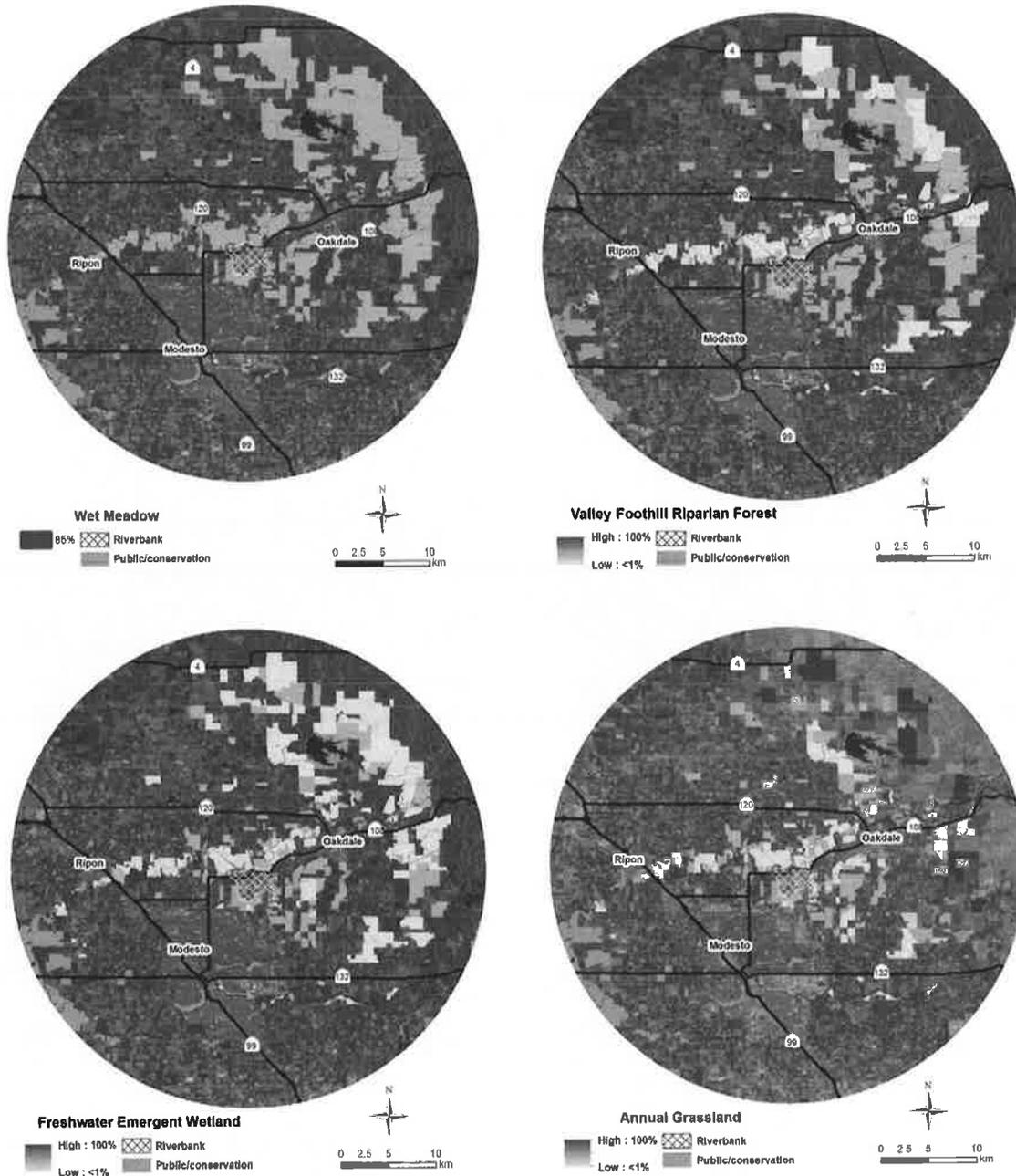
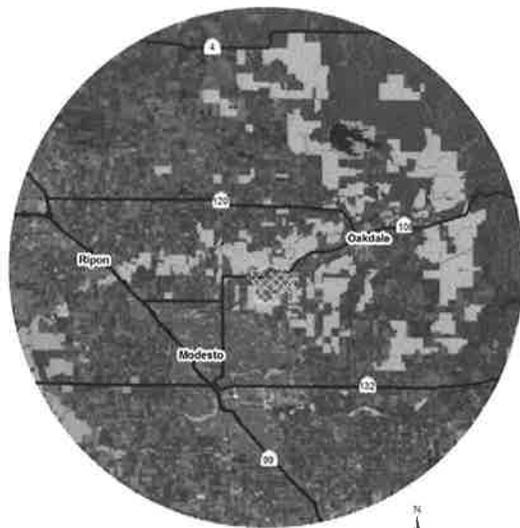
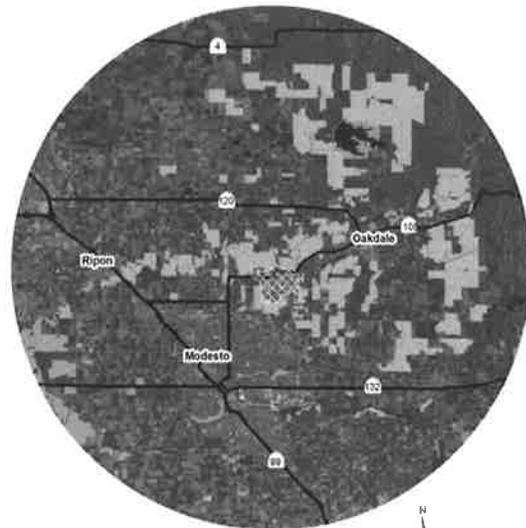


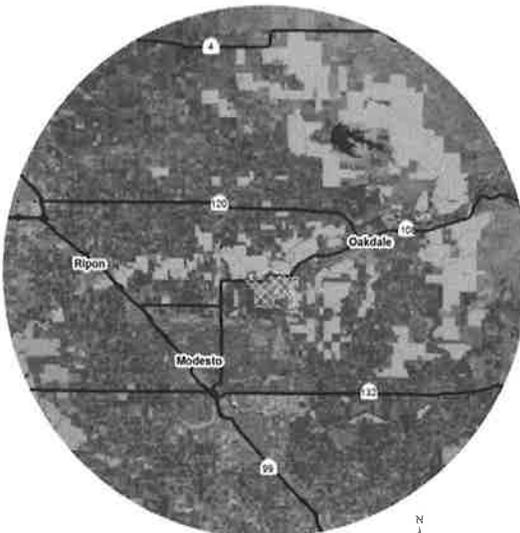
Figure 8. Conservation features in Marxa-selected parcels. The red color ramp indicates either the relative amount of that feature within a parcel (land cover) or the presence of that feature in a parcel (species-specific models). Gray polygons indicate parcels within the network identified by Marxa but lacking the specific conservation feature.



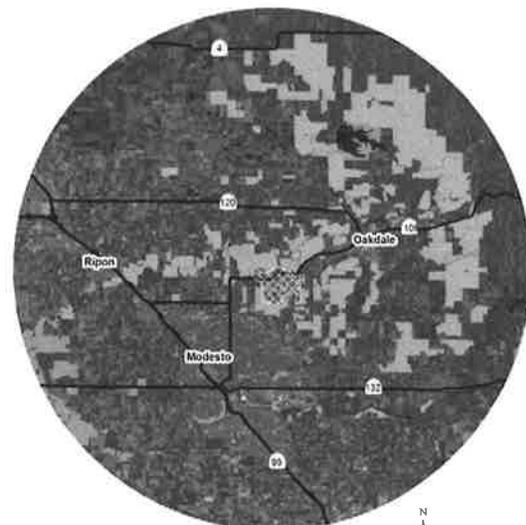
Tricolored Blackbird
 Potential habitat Riverbank Public/conservation
 0 2.5 5 10 km



California Tiger Salamander
 Potential habitat Riverbank Public/conservation
 0 2.5 5 10 km

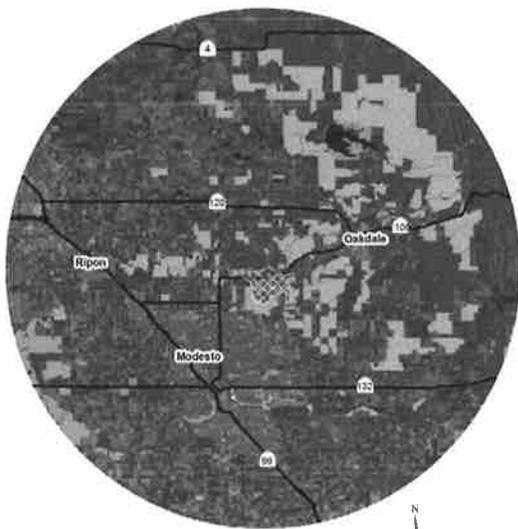


Burrowing Owl
 Potential habitat Riverbank Public/conservation
 0 2.5 5 10 km

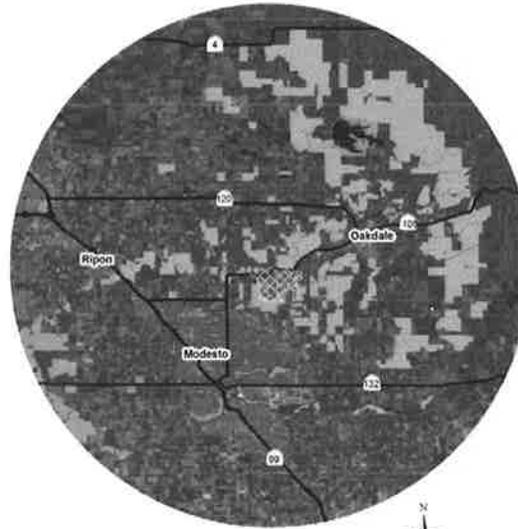


Aleutian Canada Goose
 Potential habitat Riverbank Public/conservation
 0 2.5 5 10 km

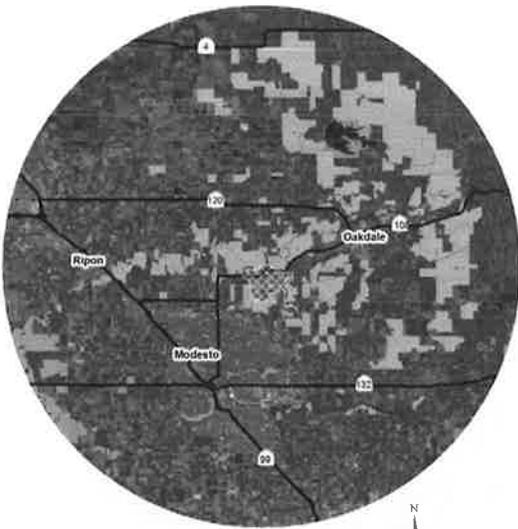
Figure 8. Continued.



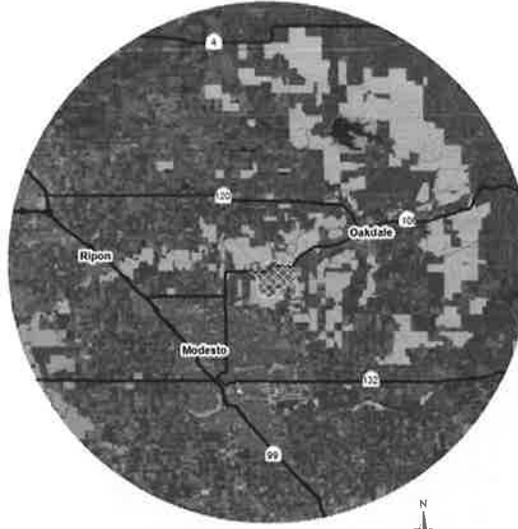
Swainson's Hawk
 Potential habitat Riverbank Public/conservation
 0 2.5 5 10 km



Valley Elderberry Longhorn Beetle
 Potential habitat Riverbank Public/conservation
 0 2.5 5 10 km



Elderberry Savanna
 Potential habitat Riverbank Public/conservation
 0 2.5 5 10 km



Western Pond Turtle
 Potential habitat Riverbank Public/conservation
 0 2.5 5 10 km

Figure 8. Continued.

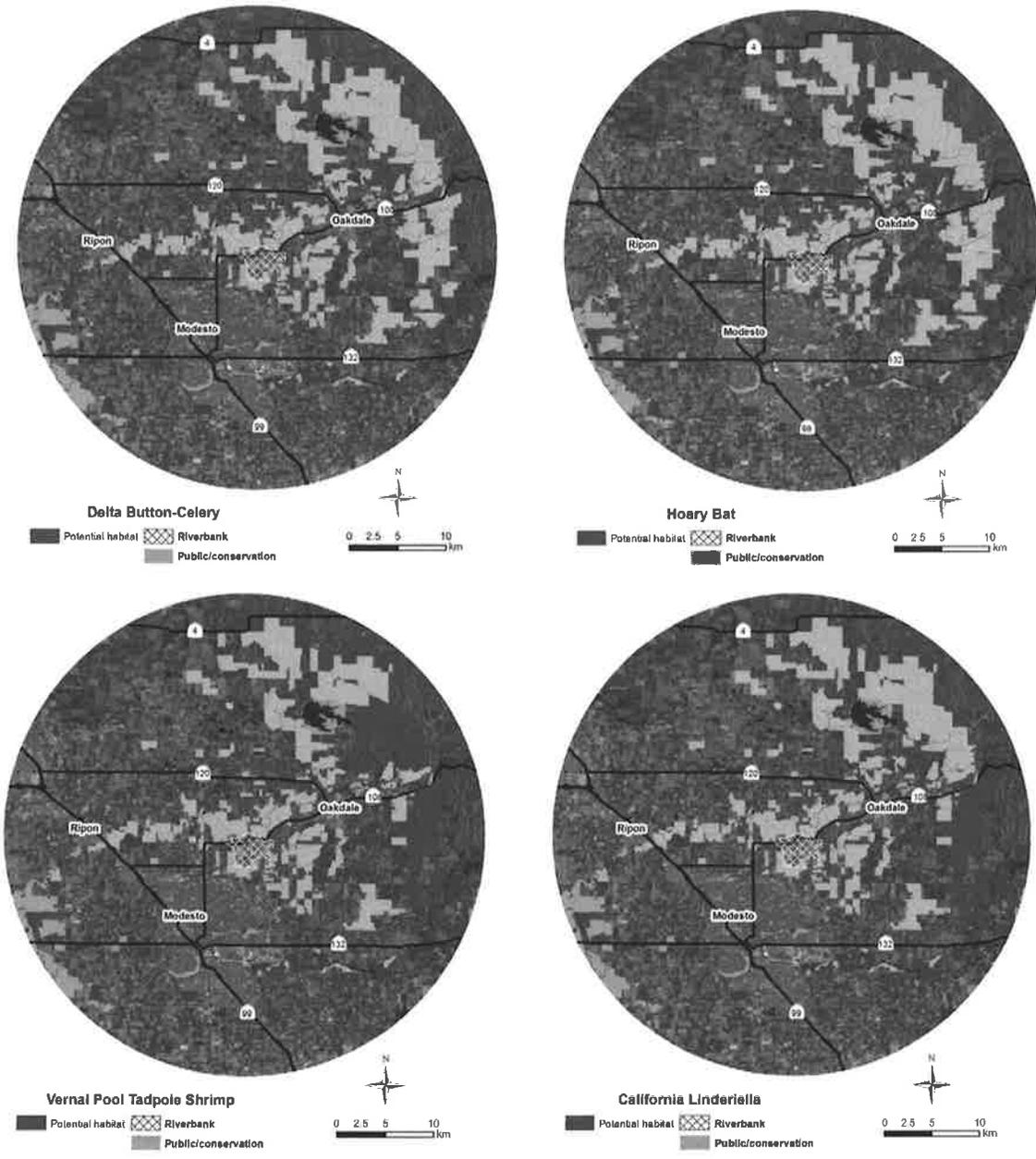


Figure 8. Continued.

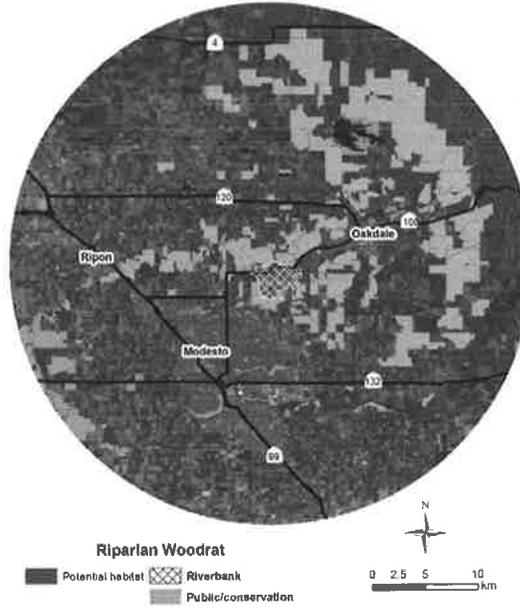
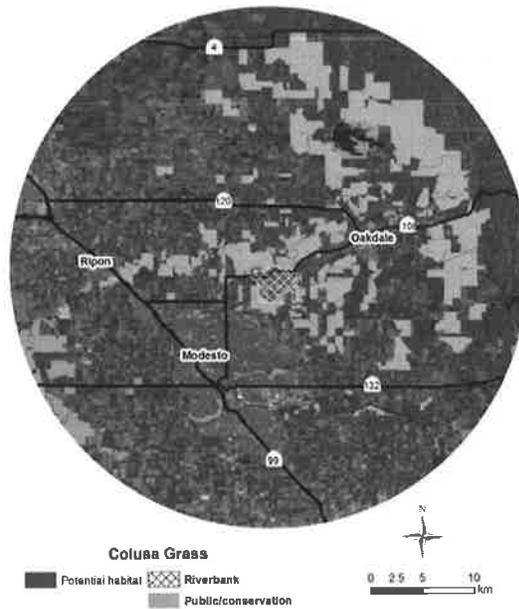
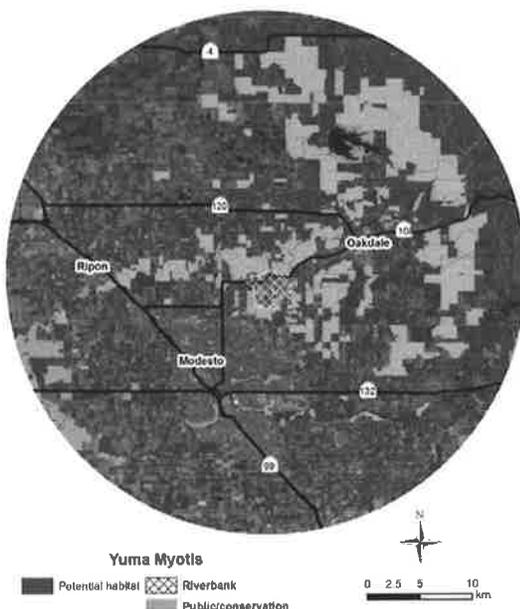
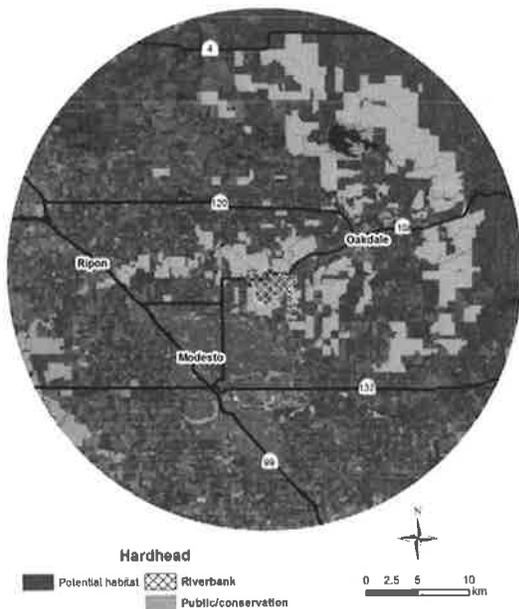
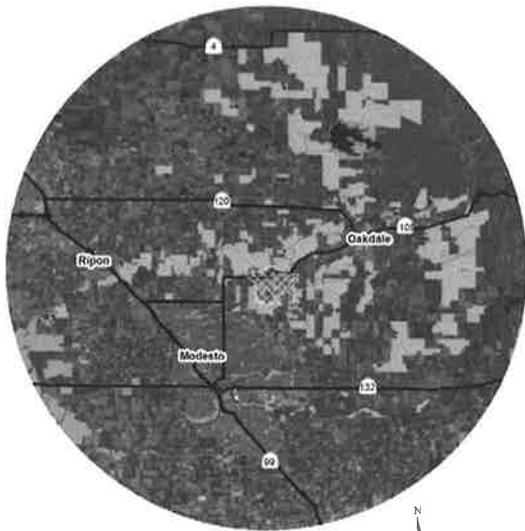


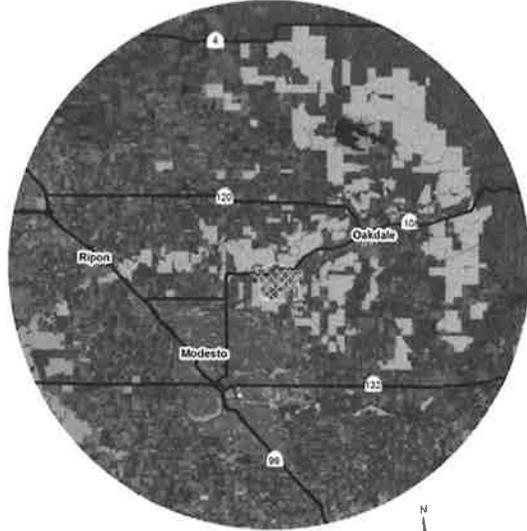
Figure 8. Continued.



Northern Hardpan Vernal Pool

Potential habitat Riverbank Public/conservation

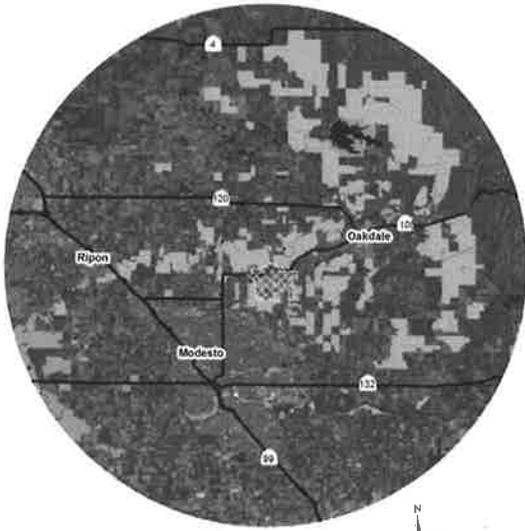
0 2.5 5 10 km



San Joaquin Valley Orcutt Grass

Potential habitat Riverbank Public/conservation

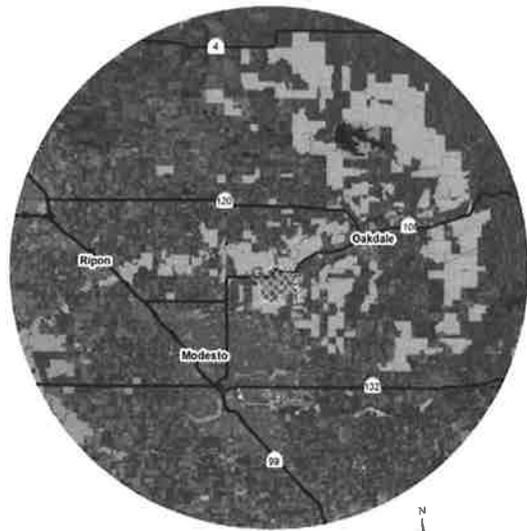
0 2.5 5 10 km



Hartweg's Golden Sunburst

Potential habitat Riverbank Public/conservation

0 2.5 5 10 km

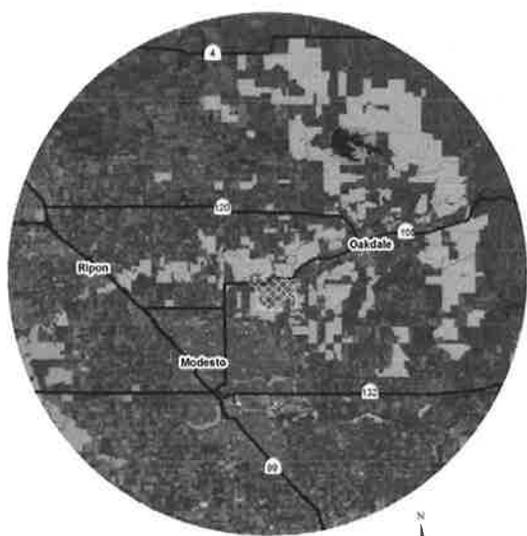


Riparian Brush Rabbit

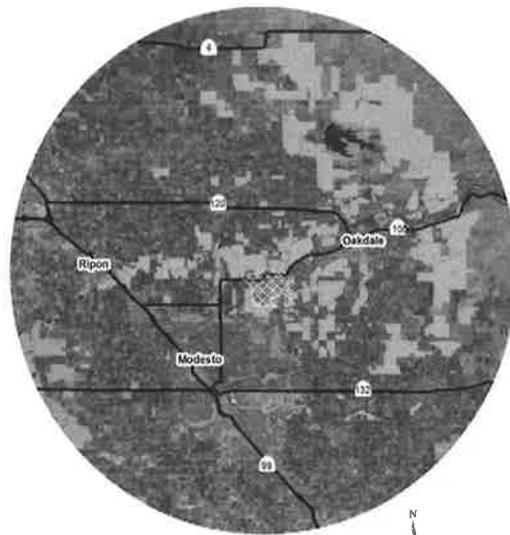
Potential habitat Riverbank Public/conservation

0 2.5 5 10 km

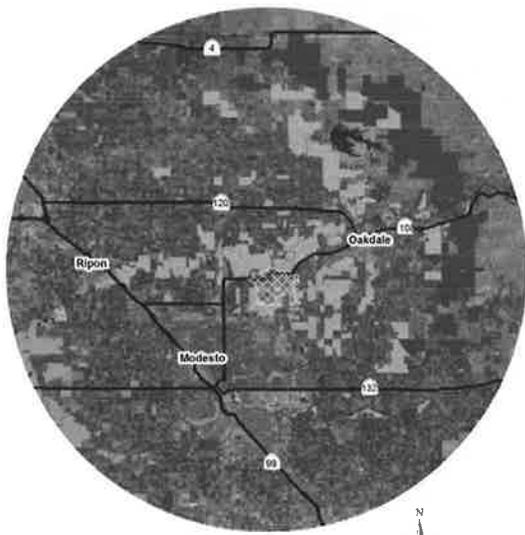
Figure 8. Continued.



Greene's Tuctoria
 Potential habitat Riverbank Public/conservation
 0 2.5 5 10 km



Great Valley Mixed Riparian Forest
 Potential habitat Riverbank Public/conservation
 0 2.5 5 10 km



Vernal Pools
 Potential habitat Riverbank Public/conservation
 0 2.5 5 10 km

Figure 8. Continued.

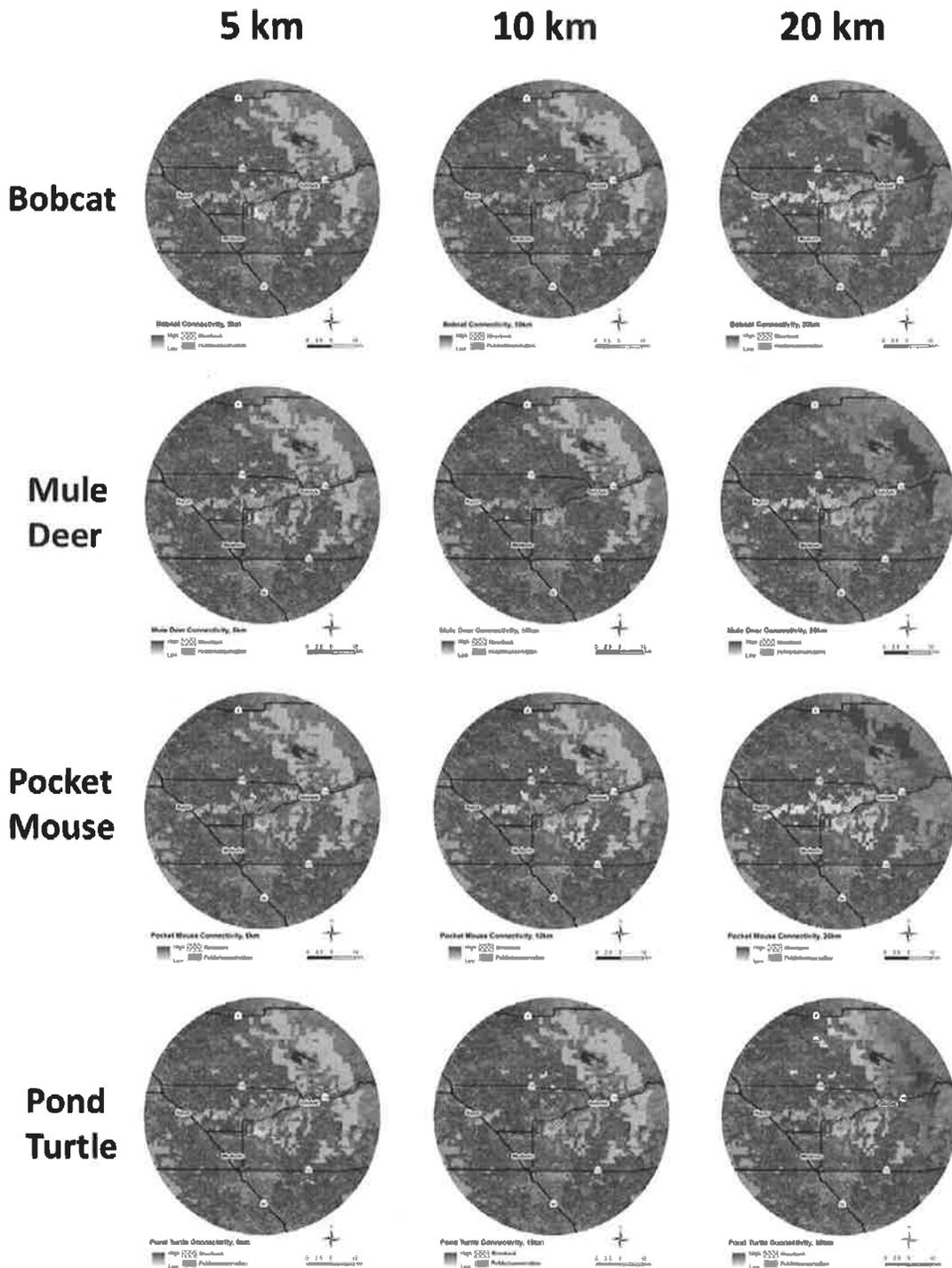


Figure 9. Modeled connectivity for four focal species at multiple spatial scales in Marxan-selected parcels. The red color ramp indicates the relative strength of the modeled connectivity in the parcels. Gray polygons indicate parcels within the network identified by Marxan but lacking the specific conservation feature.

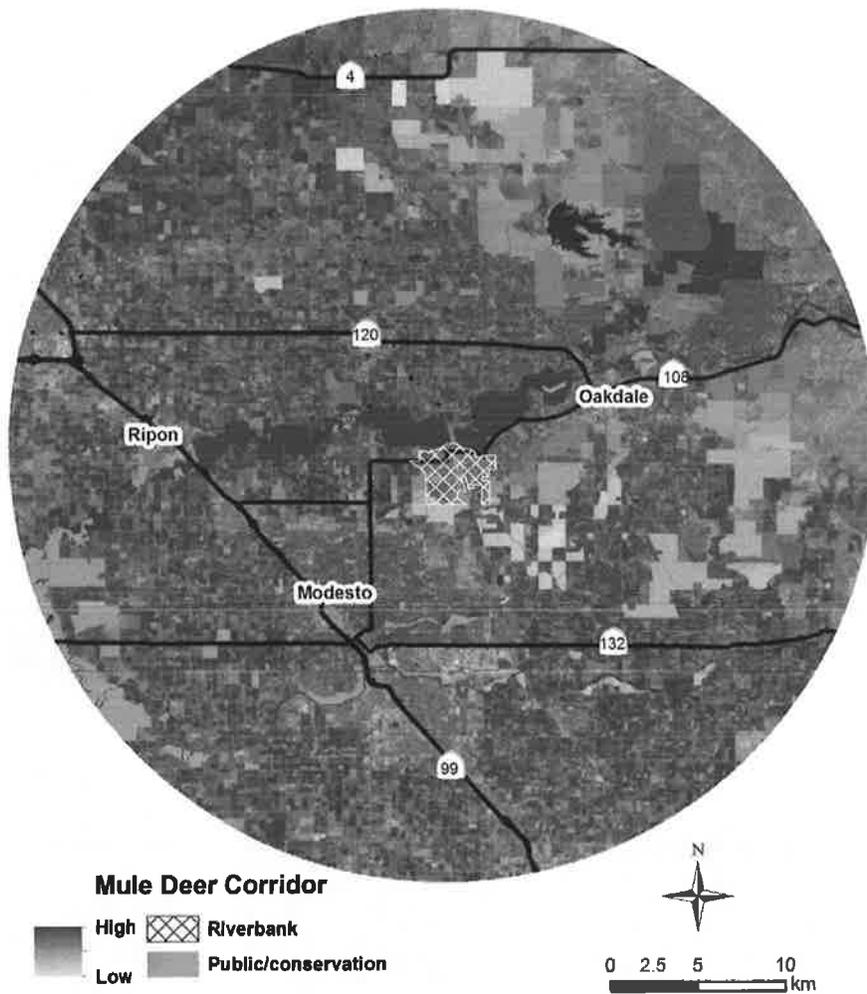


Figure 10. Modeled mule deer corridor results for Marxan-selected parcels. Darker red hues indicate areas of higher landscape connectivity between Stanislaus National Forest (east) and San Joaquin National Wildlife Refuge (west) (note: both of these protected areas are beyond the extent of this map and not depicted).

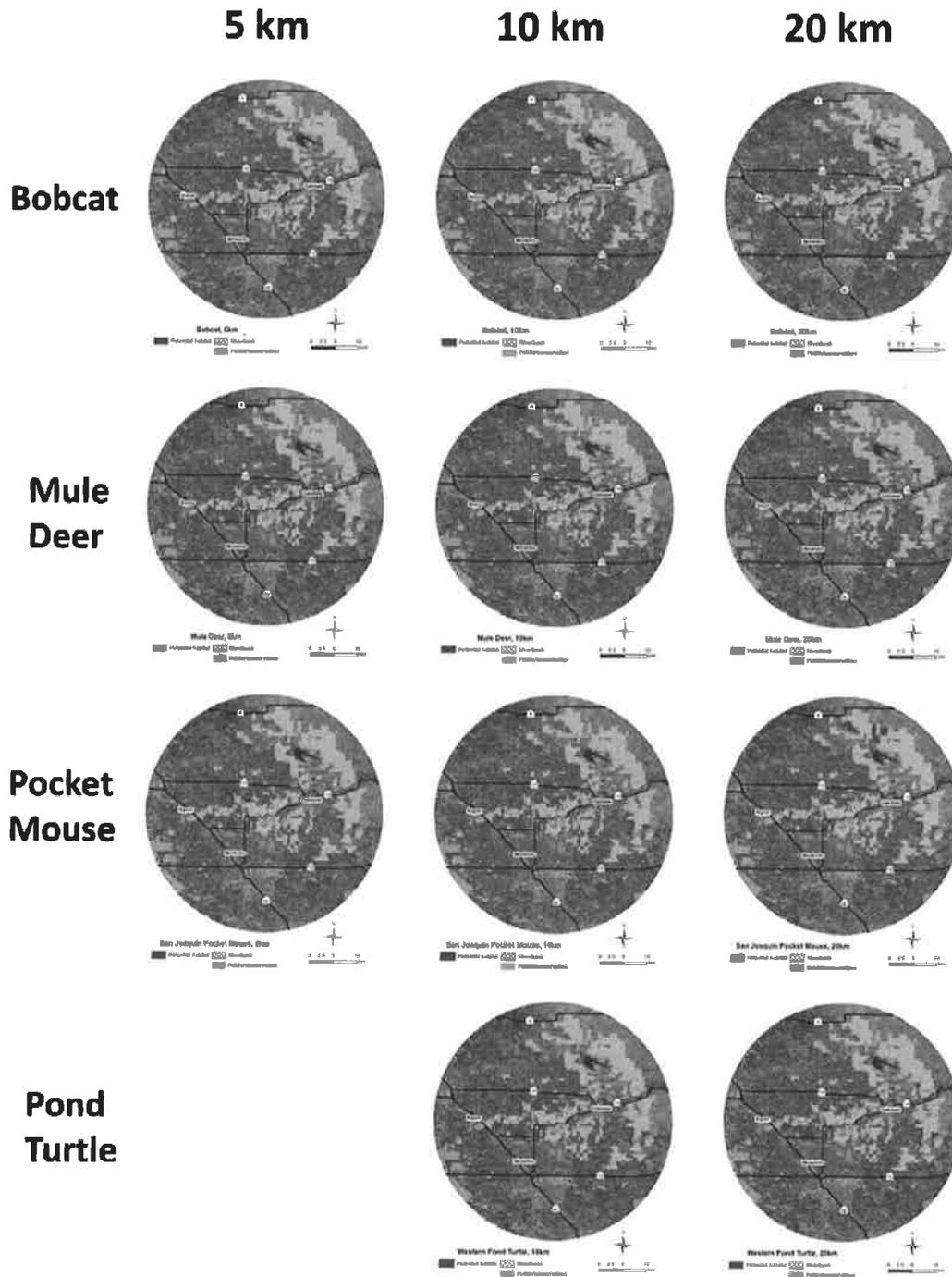


Figure 11. Connectivity areas. Parcels in red were not selected by Marxan to meet regional ecological goals. However, they have high modeled connectivity for the focal species at the indicated spatial scale. They should be considered for management of animal movement across the study region.

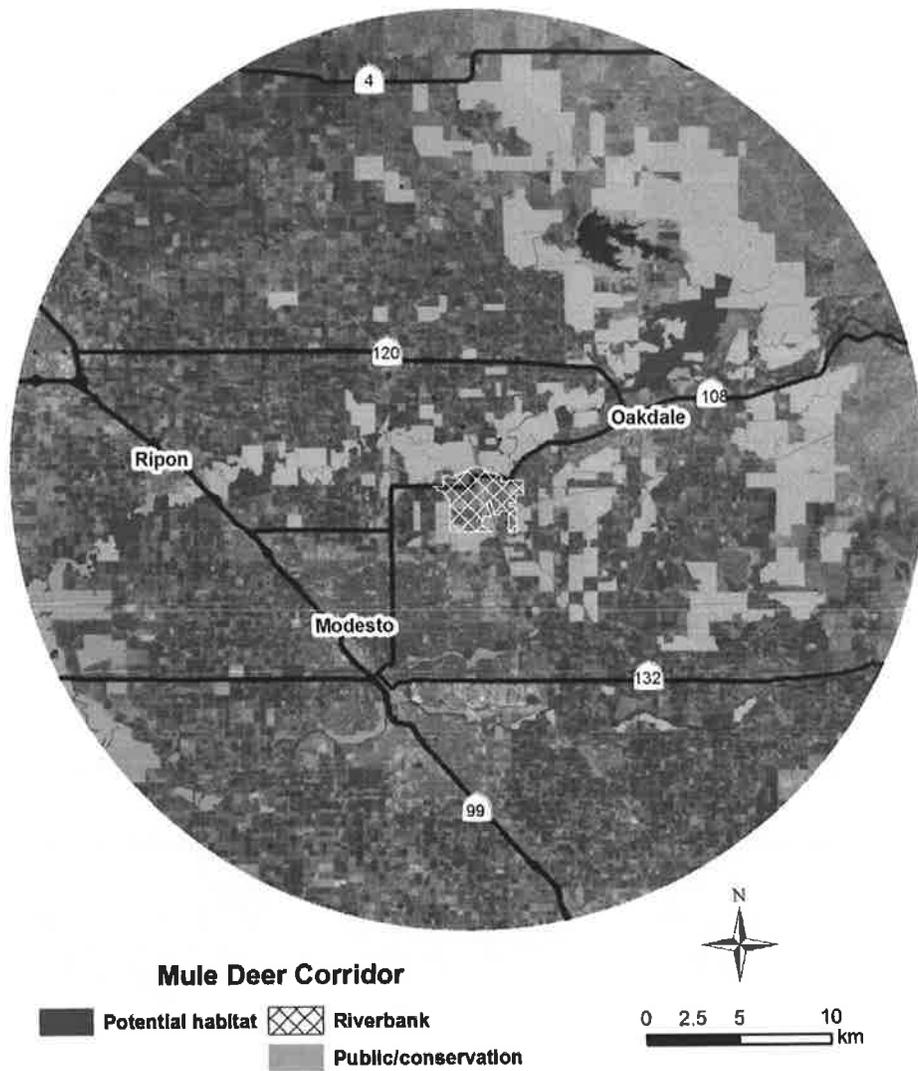


Figure 12. Mule deer corridor areas. Parcels in red were not selected by Marxan to meet regional ecological goals. However, they have high modeled connectivity for regional mule deer movement between the Sierra Nevada and San Joaquin River. They should be considered for management of animal movement across the study region.

LINKAGE DESIGN

The results of the Marxan and other analyses were compiled into a final linkage design (Figure 12). Three kinds of parcels are included: (1) Marxan-identified parcels that should be managed for preservation or restoration of one or more of the conservation targets used in the analysis; (2) those parcels that should be managed for the movement of one or more of the focal species; and (3) those to be managed for long-range movement patterns in order to provide regional connectivity. These are not intended as mutually exclusive management regimes, but rather as high priority considerations within a multi-pronged management strategy.

Some general descriptions of the first type of parcel follow:

Annual Grassland (AGS)

- Total: 26,040 ac
- Parcels: 275
- Total parcel area: 53,537 ac

AGS is the assessed land cover type with the greatest extent in the identified linkage. It is primarily found in the northeastern portion of the study area where the heavily agricultural San Joaquin Valley grades into rangeland at the lower edge of the Sierra Nevada foothills. The large grassland parcels should be considered for easement or fee title purchase to protect these relatively intact working landscapes from future conversion to land uses not compatible with the needs of native species. In addition to the large parcels here, smaller patches of AGS are found scattered across other portions of the linkage. These parcels should be considered for targeted grassland restoration projects in the future.

Freshwater Emergent Wetland (FEW)

- Total: 1,581 ac
- Parcels: 296
- Total parcel area: 44,624 ac

Parcels containing FEW are scattered throughout the linkage, with several near the Stanislaus River with higher densities. The wetlands in the linkage are generally small, comprising about 1/30th the area of the parcels in which they are embedded. Little of the study area was historically comprised of extensive wetlands (GIC 2003), so large-scale restoration is likely not a suitable strategy in the linkage. However, the existing small wetlands should be protected, new wetlands could be constructed (for example, tail water ponds in agricultural fields), and some restoration in the Stanislaus River floodplain should be undertaken to increase the habitat and ecosystem services that wetlands generally provide.

Valley Foothill Riparian (VRI)

- Total: 685 ac
- Parcels: 146
- Total parcel area: 23,258 ac

The riparian areas in the linkage are concentrated along the major rivers in the study area, especially the Stanislaus River. Several parcels along the Tuolumne River and several other smaller waterways in the study area were also identified and selected. The remnant patches comprising the small total riparian land cover should be preserved to maintain ecological health. There are also many restoration opportunities in the much greater area of the parcels which contain the fragmented riparian forest. The primary focus of these efforts should be in the floodplain of the Stanislaus River, where opportunities

are greatest for successful remediation and regaining ecosystem processes such as animal movement east/west through the study area.

Wet Meadow (WTM)

- Total: 0.9 ac
- Parcels: 1
- Total parcel area: 28.5 ac

There is one parcel in the linkage that contains this land cover type. It is located just east of Riverbank on the south bank of the Stanislaus River. This parcel should be conserved as part of the river's floodplain ecosystem. Like FEW, there was likely little extensive WTM in this area historically, so restoration/creation of this habitat type should only be a priority in rare cases.

Tricolored Blackbird

- Total: 2,778 ac
- Parcels: 20
- Total parcel area: 7,873 ac

The tricolored blackbird is a sensitive species in California with recent studies showing a rapidly diminishing population (Ortiz 2014). Habitat for the species within the linkage is found primarily in the grasslands on larger parcels northeast of Woodward Reservoir. Smaller parcels are also found just south of Oakdale. This species can be compatible with agricultural operations if the timing of the operations takes into consideration the natural history of the blackbird. Agricultural easements could be pursued for these parcels as well as restoration projects designed to increase the numbers of insects serving as a food source for the birds.

California Tiger Salamander

- Total: 2,003 ac
- Parcels: 24
- Total parcel area: 8,932 ac

Potential salamander habitat is found on several large grassland parcels in the eastern portion of the study area as well as a number of smaller agricultural parcels in the vicinity of Oakdale. Easements or fee title should be acquired on the larger parcels, while grazing could still occur there. Protection and enhancement of salamander habitat on the smaller parcels will be more problematic. The greatest potential for salamander habitat on these parcels probably would occur if they are purchased and restored to a more natural habitat, such as grassland with embedded seasonal wetlands.

Burrowing Owl

- Total: 1,919 ac
- Parcels: 141
- Total parcel area: 2,915 ac

There are two clusters of potential burrowing owl habitat in the linkage: adjacent to Riverbank on the southwest, and just north of Oakdale. The pastureland near Riverbank represents suitable owl habitat most likely to come under threat by near future development, as it lies in the buffer area between Riverbank and Modesto. Easements (or fee title purchases) to secure this area as part of a linkage could also serve as an open space buffer between the two cities, sometimes referred to as "community separators" in planning literature. Many of the parcels containing owl habitat north of Oakdale are also potential California tiger salamander habitat. Grassland restoration projects on these parcels could serve to improve habitat for both species.

Aleutian Canada Goose

- Total: 11 ac
- Parcels: 4
- Total parcel area: 148 ac

This species was delisted in 2001 when its recovery was deemed sufficient, and so it is not a species of great concern in this region. Four agricultural parcels west of Modesto and south of Ripon contain a moderate amount of potential habitat for this species. Easements could be secured here to ensure future agricultural operations benefitting the goose and other species.

Swainson's Hawk

- Total: 1,702 ac
- Parcels: 59
- Total parcel area: 10,099 ac

There are four main clusters of parcels containing potential Swainson's hawk habitat in the linkage: (1) in the northern section adjacent to CA Highway 4; (2) southeast of Oakdale, along the Stanislaus River where it crosses CA Highway 99 near Ripon; (3) along the Stanislaus River immediately adjacent to Riverbank's northern border; and (4) several scattered parcels near the eastern edge of Modesto. Several strategies could be combined to preserve and/or enhance hawk habitat. These include securing easements to keep the identified parcels in agriculture production, specifically row and field crops and alfalfa. Additionally, valley oaks should be planted in these locations to provide future nesting sites in close proximity to the feeding habitat.

Valley Elderberry Longhorn Beetle

- Total: 88 ac
- Parcels: 23
- Total parcel area: 1,911 ac

The major concentration of parcels identified as possessing valley elderberry longhorn beetle (VELB) habitat lies along the Stanislaus River, immediately downstream from Riverbank. While only 88 acres of potential existing habitat were identified, the parcels containing the habitat total almost 2,000 acres. Therefore there may be favorable opportunities for riparian restoration on these sites in order to benefit VELB and other native riparian species. Other locations in the linkage with modeled VELB habitat include a smaller area along the Stanislaus River in the vicinity of Caswell Memorial State Park as well as a few sites along the Tuolumne River.

Elderberry Savanna

- Total: 14 ac
- Parcels: 1
- Total parcel area: 179 ac

There is only one parcel in the linkage identified as elderberry savanna, which is located adjacent to Caswell Memorial State Park. Elderberry savanna is especially critical for VELB, so preservation of this parcel (coupled with restoration activities on the majority of parcel that is in agricultural production) could provide a very beneficial extension to the riparian area currently protected at the state park. Other sites along the Stanislaus River could serve as restoration areas as well.

Western Pond Turtle

- Total: 75 ac
- Parcels: 12
- Total parcel area: 992 ac

While the linkage accounts for longer distance movement events by this species across the study region, known occurrences are limited to an area adjacent to the Stanislaus River just upstream of Oakdale. The parcels identified for the linkage include both riparian and upland areas that could potentially be used by the turtle. The turtle can potentially use water bodies that also serve agricultural purposes (such as tail water ponds); however agricultural activities in the uplands or in riparian areas could negatively affect the species. Therefore, these parcels should be considered for restoration activities.

Delta Button-Celery

- Total: 7 ac
- Parcels: 2
- Total parcel area: 313 ac

Delta button-celery requires wetland habitat associated with riparian systems. Modeled habitat for the species in the study region is only found on two parcels, adjacent to Caswell Memorial State Park. Habitat for the species should be preserved and enhanced through wetland restoration activities. These parcels also include VELB habitat, so restoration should be designed to include a mosaic of multiple kinds of riparian and wetland habitat.

Hoary Bat

- Total: 85 ac
- Parcels: 24
- Total parcel area: 993 ac

Parcels with modeled hoary bat habitat total almost 1,000 acres along the Stanislaus River, just east of Oakdale. Steps that could be taken to preserve this species in the linkage include the creation of patches of large trees, such as riparian forest or valley oak woodland. The bats require larger trees for cover and reproduction. The creation of a patchy or open structure would allow for both cover and foraging opportunities on these parcels. Trees will take a number of years to mature; therefore artificial bat houses could be installed in this area until such time as the trees are usable by the bats.

Vernal Pool Tadpole Shrimp

- Total: 8,472 ac
- Parcels: 43
- Total parcel area: 16,376 ac

Vernal pool tadpole shrimp are found on large parcels in the grasslands on the eastern edge of the study region. Much of this area could be managed for grazing that takes into consideration the needs of this and other vernal pool species (Marty 2005). If there are locations with exceptional quality or density of vernal pools containing tadpole shrimp, they could be purchased to ensure focused management on ecosystem health. Otherwise easements could serve to ensure that vernal pool habitat would not be lost to future development.

California Linderiella

- Total: 5,061 ac
- Parcels: 24
- Total parcel area: 8,274 ac

Parcels selected for potential California Linderiella (or California fairy shrimp) habitat overlaps the southern portion of the vernal pool tadpole shrimp parcels. These are found in the eastern portion of the study region, south of the Stanislaus River. Management suggestions are the same as for vernal pool tadpole shrimp (above).

Hardhead

- Total: 216 ac
- Parcels: 17
- Total parcel area: 1,549 ac

Parcels containing potential hardhead habitat were identified along both the Stanislaus and Tuolumne rivers. For most effective conservation, these parcels should be purchased to allow for restoration or habitat enhancement activities at these sites. Such activities could include riparian vegetation enhancement or augmentation of substrate used by the fish as spawning habitat.

Yuma Myotis

- Total: 85 ac
- Parcels: 24
- Total parcel area: 993 ac

Parcels with modeled Yuma myotis habitat total almost 1,000 acres along the Stanislaus River, just east of Oakdale. Steps that could be taken to preserve this species in the linkage include the creation of patches of large trees, such as riparian forest or valley oak woodland. The bats require larger trees for cover and reproduction. The creation of a patchy or open structure would allow for both cover and foraging opportunities on these parcels. Trees will take a number of years to mature; therefore artificial bat houses could be installed in this area until such time as the trees are usable by the bats.

Colusa Grass

- Total: 286 ac
- Parcels: 3
- Total parcel area: 2,390 ac

Colusa grass is potentially found on three parcels in two locations in the linkage. One is a single parcel northeast of Woodward Reservoir in the eastern grasslands. To ensure preservation of the site, purchase of the parcel is likely the preferred strategy. The other location is just north of the town of Waterford. Only portions of the two parcels remain in a natural condition, so purchase combined with habitat restoration or creation should be considered.

Riparian Woodrat

- Total: 0.8 ac
- Parcels: 1
- Total parcel area: 179 ac

Modeled habitat for the riparian woodrat is found on a single parcel in the linkage. This parcel is adjacent to Caswell Memorial State Park and is also the site of potential habitat for several other target species (such as riparian brush rabbit and VELB). This parcel should be purchased in order to protect and expand the riparian forest serving as habitat for multiple sensitive species.

Northern Hardpan Vernal Pool

- Total: 3,532 ac
- Parcels: 20

- Total parcel area: 9,546 ac

Several thousand acres of northern hardpan vernal pool complex is found in the northeastern grasslands, approximately between Woodward Reservoir and CA Highway 120. Conservation easements can be used to protect these areas from future development while still allowing grazing to occur that can benefit these ecosystems.

San Joaquin Valley Orcutt Grass

- Total: 242 ac
- Parcels: 2
- Total parcel area: 946 ac

San Joaquin Valley orcutt grass is potentially found on two parcels near the town of Waterford. Colusa grass and Greene's tuctoria are also potentially found here. The very limited nature of the habitat for this species in this region suggests purchase of the parcels in question in order to conduct restoration activities and better ensure management practices to protect and enhance the species.

Hartweg's Golden Sunburst

- Total: 362 ac
- Parcels: 6
- Total parcel area: 2,410 ac

Potential habitat for this species is limited to several hundred acres in the eastern grasslands, straddling CA Highway 120. Both the location (adjacent to the highway) and the limited area of the species in the region suggest purchase of the properties as a preferred conservation strategy. Natural habitat could be protected and agricultural land restored to grassland and possibly valley oak woodland.

Riparian Brush Rabbit

- Total: 0.8 ac
- Parcels: 1
- Total parcel area: 179 ac

Modeled habitat for the riparian woodrat is found on a single parcel in the linkage. This parcel is adjacent to Caswell Memorial State Park and is also the site of potential habitat for several other target species (such as riparian woodrat and VELB). This parcel should be purchased in order to protect and expand the riparian forest serving as habitat for multiple sensitive species.

Greene's Tuctoria

- Total: 242 ac
- Parcels: 2
- Total parcel area: 946 ac

Greene's tuctoria is potentially found on two parcels near the town of Waterford. Colusa grass and San Joaquin Valley orcutt grass are also potentially found here. The very limited nature of the habitat for this species in this region suggests purchase of the parcels in question in order to conduct restoration activities and better ensure management practices to protect and enhance the species.

Great Valley Mixed Riparian Forest

- Total: 40.5 ac
- Parcels: 2
- Total parcel area: 312.7 ac

While riparian forest fragments exist in various locations throughout the study area, this particular community is found only in two parcels, adjacent to Caswell Memorial State Park. See the description above for Valley Foothill Riparian for more details on suggested management options.

Vernal Pools

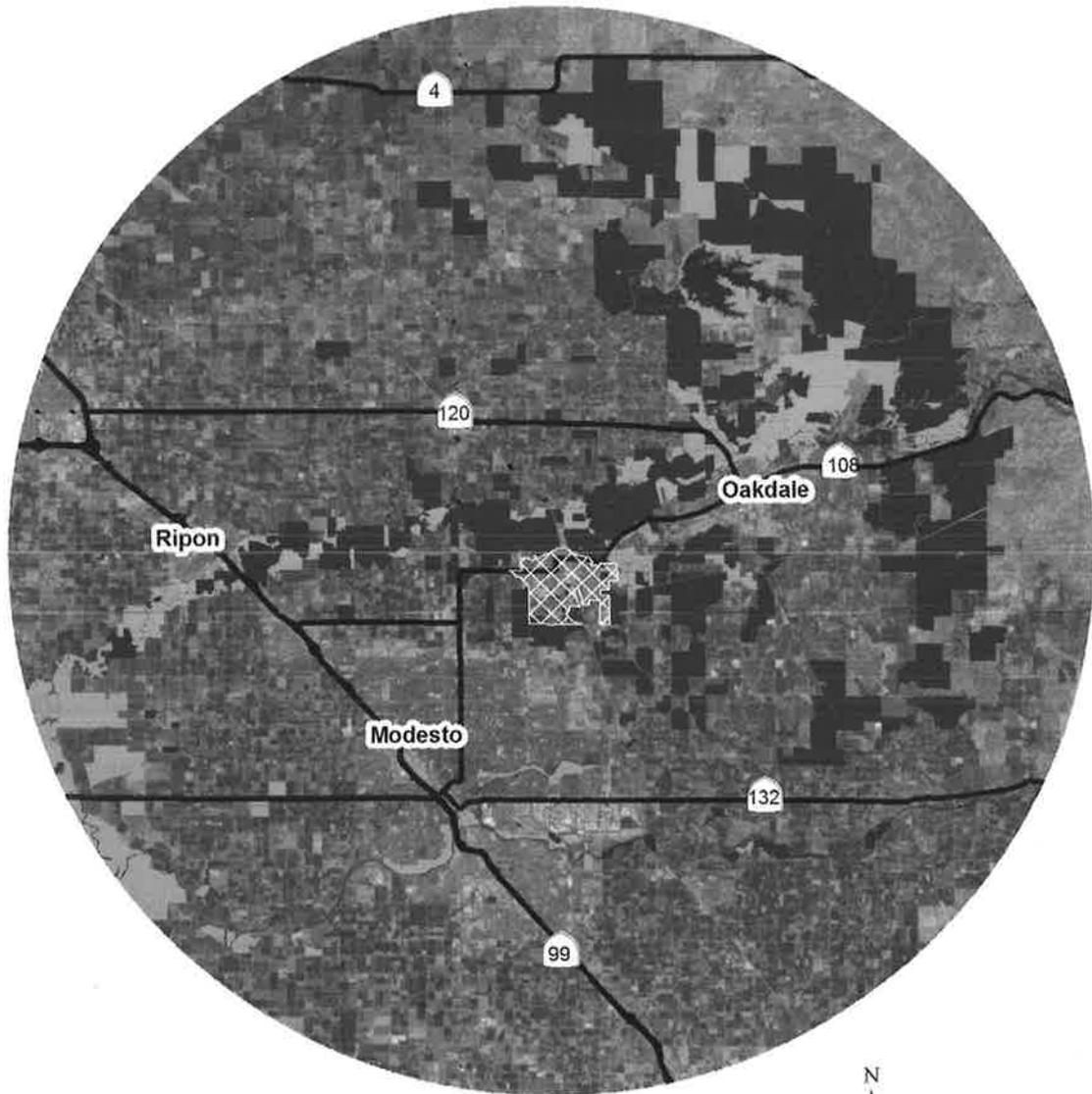
- Total: 15,520.4 ac
- Parcels: 77
- Total parcel area: 31,074.2 ac

This land cover type refers to extensive vernal pool complexes rather than just vernal pools themselves. These are found across the eastern portion of the study area. Conservation easements can be used to protect these areas from future development while still allowing grazing to occur that can benefit these ecosystems.

Connectivity

Linkage parcels not specifically selected for the above ecological features were identified in order to be managed for landscape connectivity within the study area. There are numerous management actions that could support this strategy. Parcels could be purchased and restored to a more natural condition in order to encourage movement between suitable habitats. Alternatively, easements could be obtained and parcels could be managed to reduce wildlife conflicts and/or strategic implementation of small-scale restoration activities could be planned that, while not returning the parcel to a fully natural condition could provide an increased selection of ecological resources. A potential example is the installation of small ponds or other water features to facilitate the movement of western pond turtles. Alternatively, small pockets of valley oak or other native tree species could be planted to provide temporary cover for mule deer or bobcat moving across a parcel.

One crucial need in managing for connectivity lies in designing road crossings that are suited to the particular species in the region. There are several critical locations where crossings should be carefully planned and constructed in order for the linkage to function as successfully as possible. CA Highway 120 just north of Oakdale will need a crossing structure for east-west connectivity through the study area to be maximized. This same highway will need a crossing structure east of Oakdale as well if the two major grassland patches are to be fully connected. CA Highway 108 just east of Riverbank also presents a barrier to movement between the Stanislaus River and the pasture lands east of the city.



Final Linkage Design

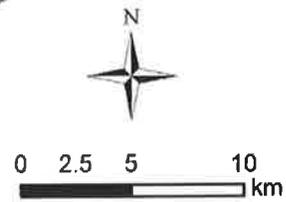
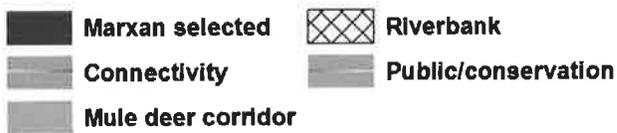


Figure 13. Final linkage design. The four components are: (1) existing public/conservation land; (2) parcels selected by the Marxan analysis; (3) parcels with high connectivity scores not selected by Marxan; and (4) parcels with a high score for the regional mule deer corridor but not selected by Marxan.

CONCLUSIONS AND NEXT STEPS

The linkage design identified in this study is unique in that landscape connectivity was incorporated in all stages of the ecological assessment process, not in the latter stages as is typically the case. Most designs such as this identify ecological core areas, and then evaluate connectivity between them. However, in working landscapes such as this, there may not be large, relatively intact core areas. Efforts to assess patterns of landscape connectivity may need to occur early in the process in order to identify management strategies that may be most effective in protecting and restoring ecosystem patterns and processes in a region. The linkage design presented in this study represents a hypothesis concerning the most effective strategies for this kind of landscape, which will become increasingly more common as global human resource demands increase over the coming decades.

Another important feature of this design is the effort made to incorporate multiple spatial scales in the plan. Ecosystem patterns and processes occur at many spatial scales and important features may be overlooked and potentially lost if these multiple scales are not taken into consideration. These scales are focused around Riverbank, with the northern edge of the city lying at the center of the 5, 10, and 20 km radii circular zones used in the analysis. If this same kind of analysis were undertaken for the cities of Oakdale or Modesto, we would expect there to be some incongruence in the resulting linkage design due to a change of focus from the vicinity of Riverbank to that of another location. The effects of scale and location should be taken into consideration if similar planning efforts are undertaken in overlapping but non-identical areas.

The regional nature of the linkage design will probably require a coalition of local governments, state and federal agencies, and private non-governmental organizations to move implementation forward. As there were a variety of ecological features considered during planning of the linkage model, so too will there need to be a variety of complementary management strategies. If such a coalition could be formed leading to the implementation of a linkage such as that detailed here, the ecological condition of the region should be preserved and enhanced in the coming decades. One possibility is integrating this information into a regional habitat conservation plan (HCP; under the federal ESA) and Natural Community Conservation (NCCP) planning process. The northern portion of the study area, north of the Stanislaus River, is largely covered by an HCP in San Joaquin County; however, currently there is no HCP or NCCP in Stanislaus County. Recently, a new program has been established to use the state cap-and-trade program's revenue to fund 'community separator' greenbelts for preservation of farmland between cities to limit urban sprawl and encourage compact urban growth and in-fill development (White 2014). The research presented in this study shows that existing agricultural land between the cities of Riverbank and Modesto, and Riverbank and Oakdale, meet these criteria and could contribute to agricultural land preservation and ecological connectivity functions. When these funds become available the CDFW could assist and encourage local municipalities (cities and counties) to utilize these funds for both agricultural and ecological functions.

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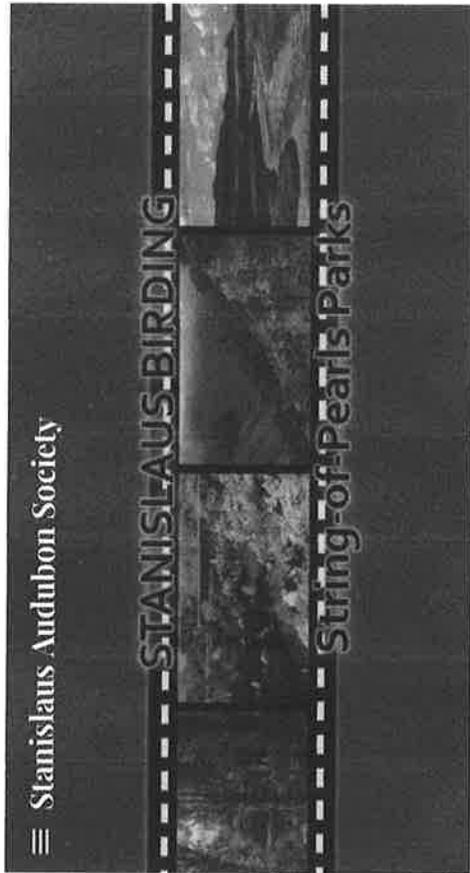
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Check the willows around the ponds for migrating warblers, vireos, and flycatchers. Look for Spotted Sandpiper, Belted Kingfisher, and Killdeer along the riverbank.

The dirt road continues out onto a narrow peninsula into a wide spot in the Stanislaus River. The river is slow-moving in this area and gives the impression of a very large pond. Aquatic plants grow in the shallows on both sides of the road that extends out on the peninsula. The end of the road offers views of the more open water of the river. The shallows are good for Great and Snowy Egrets, Great Blue and Black-crowned Herons, Wood Duck, and Pied-billed Grebe. Virginia and Sora Rails have occasionally been here. Swallows, including Northern Rough-winged, are present in spring and summer.

Ospreys are attracted to this area and can often be found roosting, and possibly nesting, in the cottonwoods that tower above the other plant life. Along the edges of the river, in the willow, oak, cottonwood, grasses, you can expect to find birds typical of other riparian areas in the county.

This site is a favorite for local fishermen, and strikes me as being unique in that the riparian areas are more sparsely treed than are the other riparian sites mentioned. Although no rare birds have been recorded from this area, it is seldom visited by birders. Perhaps more species can be found if the birding were to increase there.

ORANGE BLOSSOM RECREATION AREA

John Harris

STRING-OF-PEARLS PARKS, STANISLAUS RIVER:

OAKDALE RECREATION AREA

Daniel Gilman

DIRECTIONS: From Modesto, take Claribel Road east to Albers Road [114], and then turn north. Keep going north through Oakdale to River Road. Turn left on River Road and travel for 0.5 miles, and then turn left onto Liberini Road. You will come to the park boundary in another 0.5 miles. From Manteca, drive east on Yosemite Avenue (Highway 120) to N. Ripon Road. Turn right and go south for 2.5 miles. Turn left onto River Road and drive another 1.5 miles to Liberini Road, where you will turn right, going another 0.5 miles to the park boundary. The paved road ends here. A turn-out to the left puts you in front of the larger of two ponds. You may park here and walk to the second pond and the Stanislaus River. There is a restroom at this turn-out.

BIRDS: The first pond has Black-crowned Night Heron and Great Egret. The second pond usually hosts a Green Heron; this is one of the more reliable spots for this species in the county. Mallard, Wood Duck, and other waterfowl can be seen in the larger pond. The small marshy area in the second pond has had Virginia Rail, Common

DIRECTIONS: Orange Blossom Recreation Area is located on the Stanislaus River, approximately 4 miles east of Oakdale. From Oakdale, proceed eastward on Highway 120. At the Orange Blossom Road turnoff, turn left and continue on Orange Blossom to Rodden Road just past the bridge over the Stanislaus River. Turn left onto Rodden Road, and the entrance to the parking lot will be immediately on your left. There is no entrance fee. The gate is opened at 6:00 a.m. and closed at sunset. There are restrooms and a water fountain at the parking lot. The picnic area may be crowded on summer weekends, and the park is a terminus for rafting trips on the Stanislaus River. Early morning birders, particularly on weekdays, will encounter far less disturbance. A trail leads from the parking lot and picnic area downstream along the river. After crossing a small footbridge, the trail continues for .5 miles, ending near the intersection of McLeod and Rodden Roads. **HABITAT:** The picnic area has a number of large walnut trees. Many of the trees in this park support clumps of mistletoe that attract many birds when berries are ripe. There is a narrow strip of riparian habitat along the river accessed by taking the trail downstream from the west end of the park. Valley oak and Fremont cottonwood are the dominant



large trees. Other trees and large shrubs include several species of willow, California sycamore, box elder, button willow, interior live oak, and elderberry. Patches of sandbar willow are present, including one directly across the river from the parking lot. Check these willow patches carefully, especially during migration. Beginning about halfway down the trail, after the portable toilet, dense patches of blackberry and wild grape begin to appear. These thickets can be good for sparrows in winter. **YEAR-ROUND BIRDS:** This park is home to many birds typical of riparian habitats. Along the river Wood Duck, Common Goldeneye, Common Merganser, Osprey, Green Heron, Spotted Sandpiper, Belted Kingfisher, and Black Phoebe are all possible. Riparian forest birds include Red-shouldered Hawk, American Kestrel, Anna's Hummingbird; Acorn, Nuttall's and Downy Woodpeckers; Northern Flicker, Western Scrub-Jay, Oak Titmouse, White-breasted Nuthatch, Bushtit, Western Bluebird, American Robin, Spotted Towhee, Lesser and American Goldfinches, Bewick's and House Wrens.

SUMMER: Summer breeding birds include Ash-throated Flycatcher, Black-chinned

crowned, Black-throated Gray, Nashville, Townsend's and Wilson's Warblers; Cassin's and Hutton's Vireos, Western Tanager, and Black-headed Grosbeak. An occasional Nashville Warbler can be found with mixed flocks.

RARE AND UNCOMMON BIRDS: Brown Creeper may be seen here rarely during winter.

McGillivray's Warbler has been found in the brush during migration.

HONOLULU BAR RECREATION AREA

John Harris

DIRECTIONS: Honolulu Bar Recreation Area is 2.3 miles east of Orange Blossom Recreation Area on Orange Blossom Road. Drive east on Orange Blossom Road toward Honolulu Bar, and after about 2 miles, you will notice a large thicket of willows on the right (south) side of the road. This thicket is about 0.3 miles in linear extent, and the parking area for Honolulu Bar is at its east end. The parking lot has a primitive restroom, and there are picnic tables near the parking lot.

There are no developed trails at Honolulu Bar. For that reason, this park is not visited often by birders. Nevertheless, one may find good birding in the riparian habitat near the parking lot and picnic tables. The aforementioned willow thicket is excellent habitat, but it is difficult to access. It is possible to walk along the edge of the thicket for some distance from the parking lot, but the vegetation is dense and portions of the thicket are flooded at times. Another way to bird this thicket is to walk from the parking lot back along Orange Blossom Road itself. Birders who do this must be very careful, as the shoulder is narrow and traffic may be passing at high speed.

HABITAT: The willow thicket is composed primarily of a dense growth of sandbar willow. Other willows are present, and larger trees such as Fremont cottonwood and valley oak are found along the river's edge and adjacent to the parking lot. Several standing dead trees provide perch sites for woodpeckers, raptors, and other birds that may be found along the road.

BIRDS: This park has many of the same birds as would be encountered at the other Stanislaus River parks. There is relatively little river access and trails, perhaps accounting for the low rate of visitation by birders. The most interesting feature of this park is the extensive willow thicket described above. Lazuli Bunting and Yellow-breasted Chat have been reported from this thicket during the summer, and Western Tanager in migration. There are likely to be other interesting birds at this location.

HORSESHOE ROAD RECREATION AREA

John Harris

DIRECTIONS: Horseshoe Road Recreation Area is located 2.8 miles east of Orange Blossom Recreation Area on Orange Blossom Road. One may access this park from two locations: the parking lot reached by taking the turnoff at the sign, and a broad gravel shoulder with space for many cars located an additional 0.2 miles east on Orange Blossom Road. Many people fishing in the pond use that shoulder for parking. The parking lot at the park's entrance is not visible from the road, and there have been isolated instances of vandalism or break-ins, an issue to be aware of at some other isolated parking lots along the river. The parking lot may be crowded during the rafting season.

From the parking lot, a dirt road follows the edge of the river to a campground, a distance of about .4 miles. About halfway down this road, a trail leads to the left which continues to Orange Blossom Road, where there is parking along the shoulder. This trail follows the west side of the large pond, while the dirt road travels between the pond and the Stanislaus River to the campground. If one is accessing the area from the shoulder on Orange Blossom Road, the trail (and some steps leading to the trail) is located at the west end of the parking area. Primitive restrooms are located at the parking lot and at the campground; there is no drinking water.

HABITAT: A strip of riparian habitat extends along the edge of the river and forms a block of woodland between the dirt road and Orange Blossom Road. Dominant trees in this forest are valley oak and Fremont cottonwood. Interior live oaks, elderberry, wild grape and willows are also present. Clumps of sandbar willow are found along the

edges of the pond. The pond includes significant open water habitat, and also fringing wetlands with cattails and tules.

YEAR-ROUND BIRDS: Horseshoe Pond provides excellent habitat for a number of water birds, including Pied-billed Grebe, Common Moorhen, American Coot, Virginia and Sora Rails, Great Blue Heron, Green Heron, Black-crowned Night Heron, Great and Snowy Egrets, American Bittern, Mallard, and Wood Duck. Osprey, Belted Kingfisher, and Black Phoebe are frequently seen here and along the river. Common Goldeneye, Common Merganser, and Spotted Sandpiper may be seen on the river. Marsh vegetation lining the pond provides habitat for Red-winged Blackbird, Great-tailed Grackle, Marsh Wren, Song Sparrow, and Common Yellowthroat.

Riparian forest birds include Red-shouldered Hawk, Anna's Hummingbird, Acorn, Nuttall's and Downy Woodpeckers; Northern Flicker, Western Scrub-Jay, Oak Titmouse, White-breasted Nuthatch, Bushtit, House and Bewick's Wren, Wren-tit, American Robin, Spotted Towhee, Lesser and American Goldfinches.

SUMMER: Summer breeding birds, in addition to year-round residents, include Ash-throated Flycatcher, Western Kingbird, Tree Swallow, Bullock's Oriole, and Black-headed Grosbeak. Forster's Tern may be seen on the pond during summer and migration.

WINTER: Ducks such as Ring-necked Duck, Bufflehead, Green-winged Teal, Gadwall, and American Wigeon may be seen on the pond during winter. American White Pelicans and Double-crested Cormorants are regular. Wintering riparian birds include White-crowned, Golden-crowned, Lincoln's and Fox Sparrows, and Dark-eyed Juncos. Yellow-rumped Warblers are common, and the occasional Orange-crowned or Black-throated Gray Warbler may also be found. Hermit Thrush, Ruby-crowned Kinglet, and Cedar Waxwing are frequently observed. Phainopepla occurs here from fall through early spring. Bald Eagles may be seen along the river during winter.

SPRING AND FALL MIGRANTS: The riparian forest at this park is very good during migration. Willow and Pacific-slope Flycatchers; Yellow, Orange-crowned, Black-throated Gray, Townsend's and Wilson's Warblers; Cassin's and Hutton's Vireos, and

Western Tanager may also be seen.

RARE BIRDS: Uncommon and rare birds reported from this park include Great-tailed Grackle, Black Tern, Lewis's Woodpecker, Golden-crowned Kinglet, MacGillivray's Warbler, Yellow-breasted Chat, and Lazuli Bunting. A Yellow-throated Vireo was found at the campground in 2010.

KNIGHT'S FERRY RECREATION AREA

Daniel Gilman

DIRECTIONS: If you are coming from the west, take Hwy 108/120 east. Turn left at Kennedy Road and then left again at Sonora Road. Go over the bridge to the T intersection and turn right, then right again, into the Visitor Center parking lot. (There are also parking lots on the south side of the river before the bridge.) From the east, take Hwy 108/120 west and turn right at Sonora Road, then take the first right after the diner to cross the bridge (Sonora Road is to the right. If you go straight, it becomes Kennedy Road.)

From the Visitor Center, head northeast along the ruins of the old gristmill. Take the dirt road that heads east. This road splits soon after it begins. If you continue heading east, the trail continues uphill for about .5 miles to the park boundary overlooking the river. If you go south to the right, the road takes you to the covered bridge over the Stanislaus River, where volunteer trails continue to meander along the rocks on the southern part of the river. If you go back over the new bridge from the parking lot and cross the river, you can pick up the Russian Rapids Trail. This trail begins at the southwest side of the new bridge and follows the river downstream towards Russian Rapids for a mile.

HABITAT: Knight's Ferry consists primarily of two major ecosystems, riparian and blue oak savannah.

BIRDS: If you take the trail uphill, the first cluster of brushy trees on the left is a reliable location for Rufous-crowned Sparrows, which can often be heard singing in the spring.

To the right, on the down-slope side of the trail toward the river, there is excellent habitat for Rock Wren and Rufous-crowned Sparrow anywhere along this trail. Watch for Acorn Woodpeckers, Red-breasted Sapsucker, and Phainopepla. Also listen for Canyon Wren, often found near the steeper rocks by the river, near the covered bridge or the old gristmill.

About .25 miles up this road, there is a primitive restroom. Just past this, the uphill slopes (valley oak savannah) have occasionally yielded Lewis's Woodpecker. Along this stretch of road, there are many side trails down to the river. Bald Eagle and Osprey may be seen from here. White-throated Swifts are often found foraging above the river. American Dipper has been found infrequently during the winter around the rapids upstream.

If you walk back south across the covered bridge, take a trail to the right just after crossing the river and head through the thicker riparian areas and picnic areas. The trees are excellent for several species of woodpecker (Nuttall's, Acorn, Downy, Northern Flicker, and occasionally Red-Breasted Sapsucker). Varied Thrush has been found by the Visitor Center. The willows on both sides of the river should be checked for migrating warblers, flycatchers, and vireos in the fall and spring. Eventually, you will end up back at Sonora Road south of the river.

The Russian Rapids Trail continues west from Sonora Rd. on the south side of the river. This area includes a mix of riparian and grassland habitats, and is a good place for swallows (Tree, Violet-green, Northern Rough-winged) and sometimes Wild Turkey. The trees and shrubs near parking lots on both sides of the river should be checked for Lesser Goldfinch, Lark Sparrow, and Western Kingbird in the summer. In 2005, a Sage Thrasher was found in the field northwest of the river. This field is private property, so it must be scanned from the road.



MAY 16 2024

DEVELOPMENT SERVICES

May 1, 2024

City of Riverbank
Attn: Miguel Galvez, Contract City Planner
6617 Third Street
Riverbank CA 95367

RE: River Walk Specific Plan/Draft Environmental Impact Report Comments, Riverbank, CA

Dear Mr. Galvez:

I would like to offer the following comments on the proposed River Walk Specific Plan project so that it becomes part of the permanent public record and is included in the Final Environmental Impact Report (EIR) for the referenced project. This project proposes to construct thousands of new homes, businesses, and infrastructure including parks, a walking trail around the entire perimeter, a new 4-lane road that would terminate onto McHenry Avenue, and two or three new water wells which would rely solely on groundwater to serve a 2-million gallon storage tank; nearly all of which would occur on river bottom land that is identified by the State Department of Conservation as "prime" and in sensitive riparian and wildlife habitat areas.

In reviewing the Draft EIR, I was unable to find any discussion about the Wendt Ranch Reclamation District (WRRD) #2143, which covers the majority of the Project Area. The WRRD, most recently, was established on 4/10/2007 and is the responsible entity for maintaining the levee within the Project Area. Why was there no discussion in the EIR about this important project element and the requirements of the WRRD? This levee was established sometime between 1942-1953, given that the 1953 USGS Topo Map shows it existed (refer to EIR Page 3.9-7). Considering its age of over 70 years, was the structural soundness of the levee evaluated? What were the construction standards for levees when it was constructed? There is no insight to these aspects of the levee included in the EIR, in fact, the "discussion" in the EIR is limited to a single paragraph that it simply cut and pasted from the State Plan of Flood Control. It also should be clarified as to whether this is a certified levee. This area is riddled with squirrel/gopher activity and burrowed holes, and the levee is also likely constructed of predominantly sandy soils so boils or excessive seepage may occur and without an analysis of its soundness, how do we know it will protect residences from the 1% annual potential of flood? In addition, the levee currently protects only farmland. If the levee will now protect residences and businesses rather than ag land, the standards for its condition and maintenance could be much higher because the risk will be higher so this should be thoroughly discussed.

The discussion in the EIR should also include the following: Who the current WRRD Directors* are, do they meet regularly, where are the meeting minutes kept and a copy of any minutes or a summary of them should be included that address the condition of the levee and any maintenance it has had or needs. *The Roster of Public Agency Members currently on file with the County lists three WRRD members: Joseph A. Barkett, Anthony Barkett and Michael Berg, however, their terms are currently listed as "expired." Does the WRRD have a current Board of Directors? The EIR should include this information.

S/V/B

May 1, 2024

River Walk Specific Plan/Draft EIR Comments

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A large portion of the Project Area is protected from the 1% annual chance (100-year) of flood, by virtue of it being protected by the levee; hence, it being referred to as the 200-year flood plain or "Zone X" on the Federal Emergency Management Agency (FEMA) Flood Maps of the Project Area. The EIR also includes no diagram (Figure) showing where the levee is nor does it discuss what impacts climate change could have on the Stanislaus River flows which could well exceed the 8,000 cfs releases that the New Melones Dam is allowed to make and that the levee may withstand, thus providing 200-year protection for this area. The EIR should also include this critical information.

The 2008 FEMA Flood Maps designate Special Flood Hazard Areas (SFHAs), and while Zone X areas are not included in SFHAs, the Maps do include the following warning for Zone X (see enclosed FEMA maps):

"WARNING: This area is shown as being protected from the 1% (100-year) annual flood chance hazard by a levee. Overtopping or failure is possible, which could result in destructive flood elevations and high velocity flood waters. There is a chance that large floods will occur that are greater than the level of protection provided by the levee. Communities should issue evacuation plans and encourage property owners behind these structures to purchase flood insurance even if the structure is currently shown as providing protection for the 1% chance." This "Warning," however, was not mentioned in the EIR and should have been. Will Riverbank issue evacuation plans and will those who buy property in Zone X areas be made aware of this warning and be recommended or required to purchase flood insurance? Note: My husband recently (March 2024) spoke to a local insurance agent who confirmed that homes built within the Zone X floodplain would be required to purchase flood insurance because it is the FEMA Flood Insurance Rate Maps (FIRM) that are relied upon to determine what's required for home owner's insurance (not the CA Best Available Maps, or BAM). Again, this information was omitted from the EIR and should be included.

I have owned property and lived in this area since before the flood of 1997 and witnessed the walnut orchard, APN 074-001-001, just north of our parcel flood have standing water for weeks afterward, so flooding in this area is possible! Downplaying this issue is not being transparent.

The EIR, Page 3.14-42, correctly points out that Senate Bill (SB) 5 states the following: "Under SB 5, the 200-year flood plain (or 0.5% annual chance) protection is being phased in as a State requirement that is more protective than the Federal requirement described above (herein)." On Page 3.14-44, the EIR also correctly points out that SB 5 calls "for 200-year flood protection to be the minimum level of protection for urban and urbanizing areas in the Central Valley." While these statements are accurate, SB 5 also required the CA Department of Water Resources to develop BAM, which they did, however, their website includes the following disclaimer: "The BAM does not (emphasis added) replace existing FEMA regulatory floodplains shown on FIRM. The BAM floodplains identify potential risks that may warrant further studies or analyses for land use decision making" (emphasis added). Given this, the FEMA FIRM maps prevail and designate essentially the entire Project Area as within either the 100-year or Zone X (the 200-year) floodplain. Why then, does the EIR downplay this and instead, emphasize the BAM maps which show the majority of the area to be outside the 200-year floodplain, especially considering their disclaimer that "further studies or analyses for land use decision making" may be warranted? These

May 1, 2024

River Walk Specific Plan/Draft EIR Comments

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clarifications should be thoroughly explained in the EIR and then it should be recirculated as this information currently in the EIR falls short of being complete.

The EIR on Pages 3.14-45 & 46 says this: "The Project Area is outside (emphasis added) the 200-year floodplain and is not directly affected by this issue." How can this claim be made when the FEMA FIRM maps prevail over the State BAM maps? Additionally, Pages 3.14-38 & 39 state the following: "While FEMA shows the 100-year floodplain in several areas along the ag ditch, topo survey, hydrology models and a review of historical aerials shows that this area does not qualify as a 100-year floodplain under its current condition (emphasis added)." Again, how can this claim be made when the FEMA FIRM maps prevail over the State BAM maps? Much more additional clarification is needed in the EIR to support these claims, if they in fact are correct, and if "cherry-picking" of data that is less restrictive is occurring here in order to support the Project, that's completely inappropriate.

Interestingly, I personally viewed a copy of an email written by John B. Anderson, the consultant providing the planning services for Riverbank at the time the EIR was released, to City staff which asked the following question when he learned about the River Walk Project: "How's that going to work with SB5?" So the question is, how is that going to work considering the passage of SB 5? Having this statement come from a land use planning professional is striking, to say the least. Even considering SB 5's passage into CA law, which is inadequately discussed in the EIR, the FEMA FIRM maps prevail. Much more additional clarification/discussion is needed in order to determine whether residences and businesses can be located in the Project Area and what warnings will be necessary for potential buyers.

The EIR on Page 4.0-19 states the following: "... any development in the areas designated by FEMA as 100-year floodplain would require a Letter of Map Revision (LOMR) before development would be allowed (emphasis added). A LOMR is a document that officially revises a portion of the effective FEMA FIRM map according to the requirements and procedures outlined in the National Flood Insurance Program (NFIP) regulations. A LOMR allows FEMA to revise flood hazard information on a FIRM map via a letter without physically revising and reprinting the entire map panel." The Project proposes to construct parks/open space/green space buffers in the 100-year floodplain areas, therefore, the EIR correctly concludes that the Project will require a LOMR. The entire discussion about the process for obtaining a LOMR, however, is lacking in the EIR and it should be included. In fact, it is only mentioned in a single paragraph. How rigorous a process is this? Specifically, as per <https://www.fema.gov/flood-maps/change-your-flood-zone/revision-process>, the following is required: "...a LOMR must be requested through the CEO of the community because the community is responsible for the adoption of the revised flood hazard information into the community's floodplain management ordinances and regulations." Has it been pre-determined that the City of Riverbank will make this request on the behalf of the Project and revise and adopt its community floodplain management ordinances and regulations? This has to occur before development would be allowed. If the Project is approved before a LOMR is approved, could that mean that the parks/open space/green space buffers within the Project may not get built at all if the Federal Government does not approve the request? These aspects, requirements and the necessary processes that apply to the LOMR for the Project are currently lacking in the EIR and need to be included. I also do not see in the References Section of the

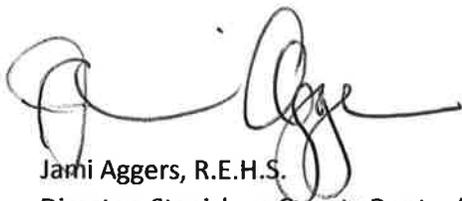
May 1, 2024

River Walk Specific Plan/Draft EIR Comments

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EIR (Section 7.0) that FEMA requirements are listed and it certainly seems as though they should have been consulted as a source of information and referenced.

In closing, a great deal of critical information about the levee and the WRRD is completely missing from the EIR. In addition, there appears to be a disconnect between what is presented in the EIR and the prevailing FEMA FIRM maps versus the CA BAM maps. These matters need to be thoroughly examined and placed in a revised Draft EIR and then recirculated so that the public has ample opportunity to evaluate and comment on this omitted information. Since this did not occur, the EIR falls short of being comprehensive.



Jami Aggers, R.E.H.S.

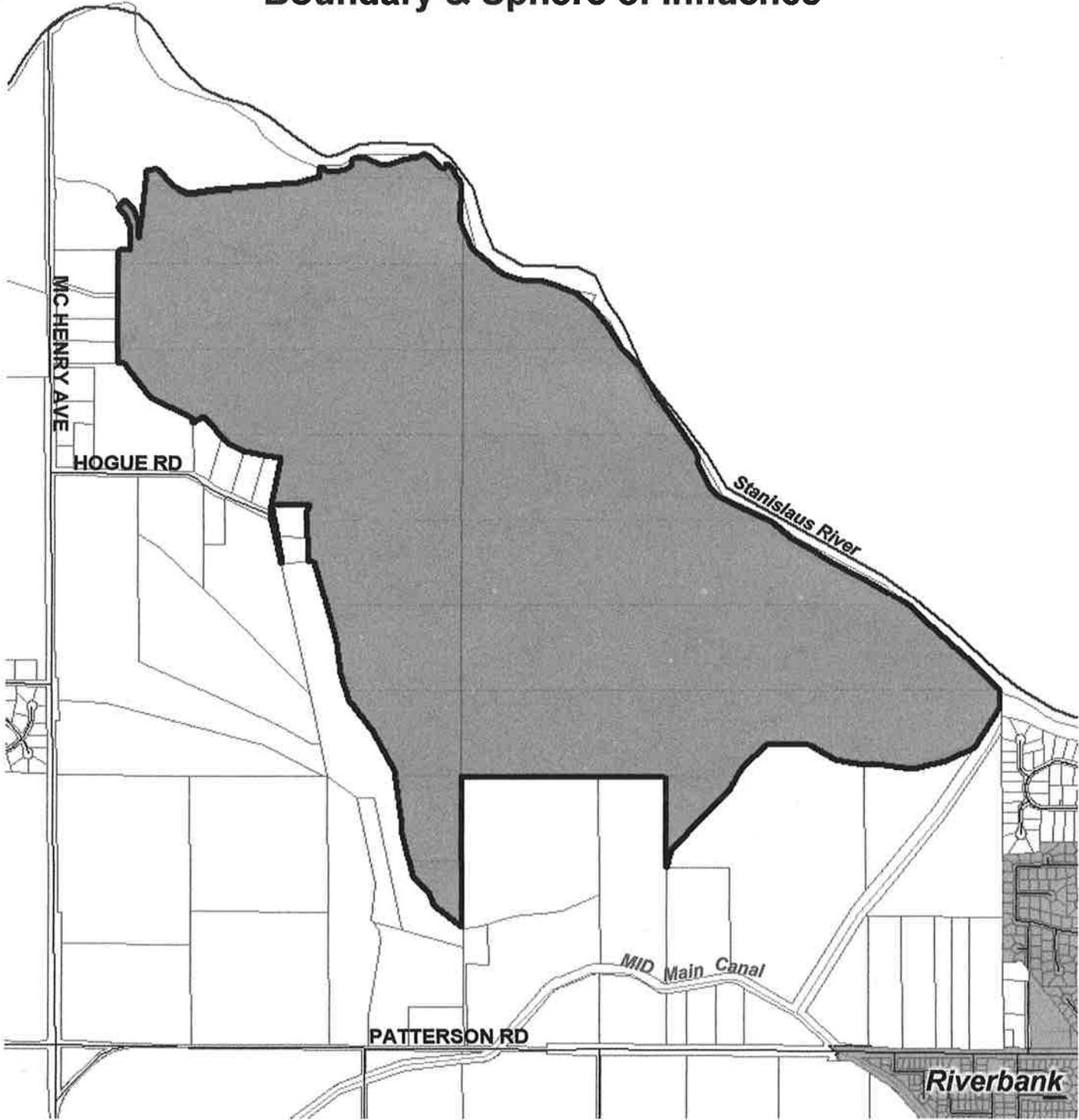
Director, Stanislaus County Dept. of Environmental Resources (2012-2021, Ret.)

7730 McHenry Ave

Modesto, CA 95356

Enclosures: Federal Emergency Management Agency (FEMA) Flood Maps of the Project Area
Wendt Ranch Reclamation District Map and Information
Senate Bill 5: The Central Valley Flood Protection Act of 2008

Wendt Ranch Reclamation District Boundary & Sphere of Influence



■ District Boundary (667+/- acres)
▬ District Sphere of Influence (667+/- acres, coterminous with boundary)



Source – LAFCO files, July 2010

COMMITTEE FACT SHEET

NAME: **WENDT RANCH RECLAMATION DISTRICT - #2143**
ESTABLISHED: April 10, 2007

COMPENSATION: None

Members of this board are required to file Conflict of Interest Disclosure Statements (file with the district)

LEGAL AUTHORITY: LAFCO Resolution 2007-03, February 28, 2007; CA Water Code

MEMBERSHIP: 3 Directors

QUALIFICATION: Elected

AND RESIDENCY

REQUIREMENTS: Landowner or legal representative of the landowner
(contains area in Districts 1 & 4)

TERM: 4 Year Term, or until their successors are elected.
Vacancies may be filled by the County Board of Supervisors.

DUTIES: Provide reclamation works for the district

MEETINGS: To be determined

CONTACT: Mike Berg

MAILING ADDRESS: P O Box 739
Linden CA 95236
Phone: 209-888-5455
Fax: n/a
Email:
Website: n/a

FILE #: **DR07**

BYLAWS:

VERIFICATION REQUESTED: 11/8/11

VERIFICATION DATE: 11/15/11 Anthony Barkett

ROSTER OF PUBLIC AGENCY MEMBERS

Wendt Ranch Reclamation District - #2143

Members of this Board are required to file conflict of interest Disclosure Statements

MEMBERSHIP SELECTION: Elected

MEMBERSHIP

	<u>NAME</u>	<u>REPRESENTING</u>	<u>TERM EXPIRES</u>
1	Joseph A Barkett	Property Owner	12/4/2015
2	Anthony Barkett	Property Owner	12/4/2015
3	Michael Berg	Property Owner	12/6/2013

MEETINGS: (contains area within Districts 1 & 4) Meeting information to be determined.

CONTACT: Mike Berg
Wendt Ranch Reclamation District

MAILING ADDRESS: P O BOX 739
Linden, CA 95236
Phone: 209-888-5455
Fax:
Email:
Website:

REVISED: 11/8/2011

FILE: DR07

For Additional Information Regarding This Agency Please See the Fact Sheet.

For Corrections Please Notify Board of Supervisors, 567-4926

Updated: 4/4/2016

CHAPTER 364
FILED WITH SECRETARY OF STATE OCTOBER 10, 2007
APPROVED BY GOVERNOR OCTOBER 10, 2007
PASSED THE SENATE SEPTEMBER 7, 2007
PASSED THE ASSEMBLY SEPTEMBER 6, 2007
AMENDED IN ASSEMBLY SEPTEMBER 5, 2007
AMENDED IN ASSEMBLY AUGUST 31, 2007
AMENDED IN ASSEMBLY AUGUST 20, 2007
AMENDED IN SENATE APRIL 25, 2007
AMENDED IN SENATE APRIL 9, 2007
AMENDED IN SENATE MARCH 26, 2007

INTRODUCED BY Senator Machado
 (Principal coauthor: Senator Florez)
 (Principal coauthor: Assembly Member Wolk)
 (Coauthor: Senator Steinberg)
 (Coauthor: Assembly Member Laird)

DECEMBER 4, 2006

An act to add Sections 65007, 65302.9, 65860.1, 65865.5, 65962, and 66474.5 to, the Government Code, to add Section 50465 to the Health and Safety Code, and to add Chapter 4 (commencing with Section 8200) to Part 1 of, and to add Part 6 (commencing with Section 9600) to, Division 5 of, the Water Code, relating to flood management.

LEGISLATIVE COUNSEL'S DIGEST

SB 5, Machado. Flood management.

(1) The Planning and Zoning Law requires a city, county, and city and county to adopt a comprehensive, long-term general plan for the physical development of the city, county, or city and county that addresses a number of elements. The law authorizes the legislative body of a city or county to adopt zoning ordinances regulating, among other things, the use of buildings, structures, and land. The law authorizes a city or county to enter into a development agreement with a person having a legal or equitable interest in real property for the development of the property.

This bill would require each city, including a charter city, and county within the Sacramento-San Joaquin Valley, within 24 months of the adoption of a specified flood protection plan by the Central Valley Flood Protection Board, to amend its general plan to include data and analysis contained in that flood protection plan, goals and policies for the protection of lives and property that will reduce the risk of flood damage, and related feasible implementation measures. The bill would require each city, including a charter city, and county within the Sacramento-San Joaquin Valley, within 36 months of the adoption of that flood protection plan but not more than 12 months after the amendment of the general plan under the bill's provisions, to amend its zoning ordinance so that it is consistent with the general plan, as amended. By establishing requirements on cities and counties, the bill would impose a state-mandated local program.

On the effective date of those amendments, a city, including a charter city, and county within the Sacramento-San Joaquin Valley would be prohibited from entering a development agreement for any property that is located within a flood hazard zone unless the city or county makes certain findings, based on substantial evidence. On the effective date of those amendments, a city, including a charter

city, and county within the Sacramento-San Joaquin Valley would also be prohibited from approving any discretionary permit or entitlement, or any ministerial permit that would result in the construction of a new residence, for a project that is located within a flood hazard zone unless the city or county makes certain findings, based on substantial evidence.

(2) The Subdivision Map Act requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required under certain circumstances.

The bill, after the amendments to the general plan and the zoning ordinance described in (1) have become effective, would require the legislative body of each city, including a charter city, and county within the Sacramento-San Joaquin Valley to deny approval of a tentative map, or a parcel map for which a tentative map was not required, for any subdivision that is located within a flood hazard zone unless the city or county makes specified findings, based on substantial evidence.

(3) The Department of Water Resources performs various flood control activities throughout the state. Existing law authorizes the Reclamation Board to engage in various flood control activities along the Sacramento River and San Joaquin River, their tributaries, and related areas.

This bill would require the department, on or before December 31, 2010, to prepare a strategic flood protection plan for the Sacramento-San Joaquin Valley. The department would be required to prepare a plan identified as the Central Valley Flood Protection Plan not later than January 1, 2012, and the Central Valley Flood Protection Board would be required to adopt the plan not later than July 1, 2012. The bill would require the plan to include specified components, including a description of the Sacramento-San Joaquin River Flood Management System, a description of the facilities included in the State Plan of Flood Control, an evaluation of the structural improvements necessary to bring each of the facilities of the State Plan of Flood Control to within its design standard, and a list of facilities recommended to be removed from the State Plan of Flood Control. The plan would be required to be updated every 5 years.

The bill would authorize the department to implement certain flood protection improvements before the adoption of the plan if the Director of Water Resources makes a specified determination. Upon the adoption of the plan by the board, certain facilities would be deemed to be a part of the Sacramento-San Joaquin River Flood Management System, and the board would be required to take action necessary to remove facilities from the State Plan of Flood Control that are recommended for removal in the plan.

The bill would require the department, on or before January 1, 2009, to propose for adoption and approval by the California Building Standards Commission updated requirements to the California Building Standards Code for construction in areas protected by the facilities of the Central Valley Flood Protection Plan where levels are anticipated to exceed 3 feet for the 200-year flood event. The department would be required to develop a cost-sharing formula for specified bond funds for repairs or improvements of facilities included in the plan.

The bill would require each county, consistent with the adoption of the plan, to collaborate with cities within its jurisdiction to develop flood emergency plans. The bill would require each city, including a charter city, and county, consistent with the adoption of the plan, to collaborate with the state and local flood management agencies to provide cost-effective strategies for reducing flood risk to existing economically disadvantaged communities located in nonurbanized areas and to develop funding mechanisms to finance local flood protection responsibilities. By establishing new land use planning requirements on cities and counties, the bill would impose a

state-mandated local program. The bill would authorize a local agency to prepare a local plan of flood protection in accordance with specified requirements.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(5) The bill would become operative only if AB 162 and SB 17 are enacted and become operative.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65007 is added to the Government Code, to read:

65007. As used in this title, the following terms have the following meanings, unless the context requires otherwise:

(a) "Adequate progress" means all of the following:

(1) The total project scope, schedule, and cost of the completed flood protection system have been developed to meet the appropriate standard of protection.

(2) Revenues sufficient to fund each year of the project schedule developed in paragraph (1) have been identified and, in any given year and consistent with that schedule, at least 90 percent of the revenues scheduled to have been received by that year have been appropriated and are currently being expended.

(3) Critical features of the flood protection system are under construction, and each critical feature is progressing as indicated by the actual expenditure of the construction budget funds.

(4) The city or county has not been responsible for any significant delay in the completion of the system.

(5) The local flood management agency shall provide the Department of Water Resources and the Central Valley Flood Protection Board with the information specified in this subdivision sufficiently to determine substantial completion of the required flood protection. The local flood management agency shall annually report to the Central Valley Flood Protection Board on the efforts in working toward completion of the flood protection system.

(b) "Central Valley Flood Protection Plan" has the same meaning as that set forth in Section 9610 of the Water Code.

(c) "Developed area" has the same meaning as that set forth in Section 59.1 of Title 44 of the Code of Federal Regulations.

(d) "Flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazard zones, will be free from flooding or flood damage.

(e) "Nonurbanized area" means a developed area or an area outside a developed area in which there are less than 10,000 residents.

(f) "Project levee" means any levee that is part of the facilities of the State Plan of Flood Control, as defined in Section 5096.805 of the Public Resources Code.

(g) "Sacramento-San Joaquin Valley" means any lands in the bed or along or near the banks of the Sacramento River or San Joaquin River, any of their tributaries or connected therewith, or upon any land adjacent thereto, or within any of the overflow basins thereof, or upon any land susceptible to overflow therefrom. The Sacramento-San Joaquin Valley does not include lands lying within the Tulare Lake basin, including the Kings River.

(h) "State Plan of Flood Control" has the same meaning as that set forth in subdivision (j) of Section 5096.805 of the Public Resources Code.

(i) "Urban area" means a developed area in which there are 10,000 residents or more.

(j) "Urbanizing area" means a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years.

(k) "Urban level of flood protection" means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the Department of Water Resources.

SEC. 2. Section 65302.9 is added to the Government Code, to read:

65302.9. (a) Within 24 months of the adoption of the Central Valley Flood Protection Plan by the Central Valley Flood Protection Board pursuant to Section 9612 of the Water Code, each city and county within the Sacramento-San Joaquin Valley, shall amend its general plan to contain all of the following:

(1) The data and analysis contained in the Central Valley Flood Protection Plan, including, but not limited to, the locations of the facilities of the State Plan of Flood Control, the locations of other flood management facilities, the locations of the real property protected by those facilities, and the locations of flood hazard zones.

(2) Goals, policies, and objectives, based on the data and analysis identified pursuant to paragraph (1), for the protection of lives and property that will reduce the risk of flood damage.

(3) Feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to paragraph (2).

(b) To assist each city or county in complying with this section, the Central Valley Flood Protection Board, the Department of Water Resources, and local flood agencies shall collaborate with cities or counties by providing them with information and other technical assistance.

(c) In implementing this section, each city and county, both general law and charter, within the Sacramento-San Joaquin Valley, shall comply with this article, including, but not limited to, Sections 65300.5, 65300.7, 65300.9, and 65301.

(d) Notwithstanding any other provision of law, this section applies to all cities, including charter cities, and counties within the Sacramento-San Joaquin Valley. The Legislature finds and declares that flood protection in the Sacramento and San Joaquin Rivers drainage areas is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution.

SEC. 3. Section 65860.1 is added to the Government Code, to read:

65860.1. (a) Within 36 months of the adoption Central Valley Flood Protection Plan by the Central Valley Flood Protection Board pursuant to Section 9612 of the Water Code, but not more than 12 months after the amendment of its general plan pursuant to Section 65302.9, each city and county within the Sacramento-San Joaquin Valley shall amend its zoning ordinance so that it is consistent with the general plan, as amended.

(b) Notwithstanding any other provision of law, this section applies to all cities, including charter cities, and counties within the Sacramento-San Joaquin Valley. The Legislature finds and declares that flood protection in the Sacramento and San Joaquin Rivers drainage areas is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution.

SEC. 4. Section 65865.5 is added to the Government Code, to read:

65865.5. (a) Notwithstanding any other provision of law, after the amendments required by Section 65302.9 and 65860.1 have become effective, the legislative body of a city or county within the

Sacramento-San Joaquin Valley shall not enter into a development agreement for any property that is located within a flood hazard zone unless the city or county finds, based on substantial evidence in the record, one of the following:

(1) The facilities of the State Plan of Flood Control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(2) The city or county has imposed conditions on the development agreement that will protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(3) The local flood management agency has made adequate progress on the construction of a flood protection system which will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system. For urban and urbanizing areas protected by project levees, the urban level of flood protection shall be achieved by 2025.

(b) The effective date of amendments referred to in this section shall be the date upon which the statutes of limitation specified in subdivision (c) of Section 65009 have run or, if the amendments and any associated environmental documents are challenged in court, the validity of the amendments and any associated environmental documents has been upheld in a final decision.

(c) Nothing in this section shall be construed to change or diminish existing requirements of local floodplain management laws, ordinances, resolutions, or regulations necessary to local agency participation in the national flood insurance program.

SEC. 5. Section 65962 is added to the Government Code, to read:

65962. (a) Notwithstanding any other provision of law, after the amendments required by Sections 65302.9 and 65860.1 have become effective, each city and county within the Sacramento-San Joaquin Valley shall not approve any discretionary permit or other discretionary entitlement, or any ministerial permit that would result in the construction of a new residence, for a project that is located within a flood hazard zone unless the city or county finds, based on substantial evidence in the record, one of the following:

(1) The facilities of the State Plan of Flood Control or other flood management facilities protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(2) The city or county has imposed conditions on the permit or discretionary entitlement that will protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(3) The local flood management agency has made adequate progress on the construction of a flood protection system which will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system. For urban and urbanizing areas protected by project levees, the urban level of flood protection shall be achieved by 2025.

(b) The effective date of amendments referred to in this section shall be the date upon which the statutes of limitation specified in subdivision (c) of Section 65009 have run or, if the amendments and any associated environmental documents are challenged in court, the

validity of the amendments and any associated environmental documents has been upheld in a final decision.

(c) Nothing in this section shall be construed to change or diminish existing requirements of local floodplain management laws, ordinances, resolutions, or regulations necessary to local agency participation in the national flood insurance program.

SEC. 6. Section 66474.5 is added to the Government Code, to read:

66474.5. (a) Notwithstanding any other provision of law, after the amendments required by Sections 65302.9 and 65860.1 have become effective, the legislative body of each city and county within the Sacramento-San Joaquin Valley shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, for any subdivision that is located within a flood hazard zone unless the city or county finds, based on substantial evidence in the record, one of the following:

(1) The facilities of the State Plan of Flood Control or other flood management facilities protect the subdivision to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(2) The city or county has imposed conditions on the subdivision that will protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(3) The local flood management agency has made adequate progress on the construction of a flood protection system which will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system. For urban and urbanizing areas protected by project levees, the urban level of flood protection shall be achieved by 2025.

(b) The effective date of amendments referred to in this section shall be the date upon which the statutes of limitation specified in subdivision (c) of Section 65009 have run or, if the amendments and any associated environmental documents are challenged in court, the validity of the amendments and any associated environmental documents has been upheld in a final decision.

(c) Nothing in this section shall be construed to change or diminish existing requirements of local floodplain management laws, ordinances, resolutions, or regulations necessary to local agency participation in the national flood insurance program.

SEC. 7. Section 50465 is added to the Health and Safety Code, to read:

50465. (a) On or before January 1, 2009, the Department of Water Resources shall propose for adoption and approval by the California Building Standards Commission updated requirements to the California Building Standards Code for construction in areas protected by the facilities of the Central Valley Flood Protection Plan where flood levels are anticipated to exceed three feet for the 200-year flood event. The amendments to the California Building Standards Code shall be sufficient to reduce the risk of flood damage and to protect life, safety, and the construction in those areas.

(b) Before the department proposes the amendments to the California Building Standards Code required pursuant to subdivision (a), the department shall consult with the Central Valley Flood Protection Board, the Division of the State Architect, and the Office of the State Fire Marshal.

SEC. 8. Chapter 4 (commencing with Section 8200) is added to Part 1 of Division 5 of the Water Code, to read:

CHAPTER 4. LOCAL PLANS OF FLOOD PROTECTION

8200. This chapter shall be known and may be cited as the Local Flood Protection Planning Act.

8201. (a) A local agency may prepare a local plan of flood protection in accordance with this chapter.

(b) A local plan of flood protection shall include all of the following:

(1) A strategy to meet the urban level of flood protection, including planning for residual flood risk and system resiliency.

(2) Identification of all types of flood hazards.

(3) Identification and risk assessment of the various facilities that provide flood protection for flood hazard areas, for current and future land uses.

(4) Identification of current and future flood corridors.

(5) Identification of needed improvements and costs of those improvements to the flood protection facilities that are necessary to meet flood protection standards.

(6) An emergency response and evacuation plan for flood-prone areas.

(7) A strategy to achieve multiple benefits, including flood protection, groundwater recharge, ecosystem health, and reduced maintenance costs over the long term.

(8) A long-term funding strategy for improvement and ongoing maintenance and operation of flood protection facilities.

(c) A local agency that is not a city or county that prepares a plan pursuant to this chapter must consult with the cities and counties that have jurisdiction over the planning area to assure that the local plan of flood protection is consistent with local general plans.

(d) Plans prepared pursuant to this chapter, within the Sacramento-San Joaquin Valley as defined by Section 9602, shall be consistent with the Central Valley Flood Protection Plan pursuant to Section 9610.

SEC. 9. Part 6 (commencing with Section 9600) is added to Division of the Water Code, to read:

PART 6. Central Valley Flood Protection

CHAPTER 1. GENERAL PROVISIONS

9600. This act shall be known and may be cited as the Central Valley Flood Protection Act of 2008.

9601. The Legislature finds and declares all of the following:

(a) The Central Valley of California is experiencing unprecedented development, resulting in the conversion of historically agricultural lands and communities to densely populated residential and urban centers.

(b) The Legislature recognizes that by their nature, levees, which are earthen embankments typically founded on fluvial deposits, cannot offer complete protection from flooding, but can decrease its frequency.

(c) The Legislature recognizes that the level of flood protection afforded rural and agricultural lands by the original flood control system would not be adequate to protect those lands if they are developed for urban uses, and that a dichotomous system of flood protection for urban and rural lands has developed through many years of practice.

(d) The Legislature further recognizes that levees built to reclaim and protect agricultural land may be inadequate to protect urban development unless those levees are significantly improved.

(e) Cities and counties rely upon federal flood plain information when approving developments, but the information available is often out of date and the flood risk may be greater than that indicated using available federal information.

(f) The Legislature recognizes that the current federal flood standard is not sufficient in protecting urban and urbanizing areas within flood prone areas throughout the Central Valley.

(g) Linking land use decisions to flood risk and flood protection estimates comprises only one element of improving lives and property in the Central Valley. Federal, state, and local agencies may construct and operate flood protection facilities to reduce flood risks, but flood risks will nevertheless remain for those who choose to reside in Central Valley flood plains. Making those flood risks more apparent will help ensure that Californians make careful choices when deciding whether to build homes or live in Central Valley flood plains, and if so, whether to prepare for flooding or maintain flood insurance.

9602. Unless the context requires otherwise, the definitions set forth in this section govern the construction of this part.

(a) "Board" means the Central Valley Flood Protection Board.

(b) "Plan" means the Central Valley Flood Protection Plan.

(c) "Project levee" means any levee that is part of the facilities of the State Plan of Flood Control, as defined in Section 5096.805 of the Public Resources Code.

(d) "Public safety infrastructure" means public safety infrastructure necessary to respond to a flood emergency, including, but not limited to, street and highway evacuation routes, public utilities necessary for public health and safety, including drinking water and wastewater treatment facilities, and hospitals.

(e) "Sacramento-San Joaquin Valley" means any lands in the bed or along or near the banks of the Sacramento River or San Joaquin River, or any of their tributaries or connected therewith, or upon any land adjacent thereto, or within any of the overflow basins thereof, or upon any land susceptible to overflow therefrom. The Sacramento-San Joaquin Valley does not include lands lying within the Tulare Lake basin, including the Kings River.

(f) "State Plan of Flood Control" has the meaning set forth in subdivision (j) of Section 5096.805 of the Public Resources Code.

(g) "System" means the Sacramento-San Joaquin River Flood Management System described in Section 9611.

(h) "Urban area" has the same meaning as that set forth in subdivision (k) of Section 5096.805 of the Public Resources Code.

(i) "Urban level of flood protection" means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the department.

9603. (a) The Central Valley Flood Protection Plan shall be a descriptive document, and neither the plan nor anything in this part shall be construed to expand the liability of the state for the operation or maintenance of any flood management facility beyond the scope of the State Plan of Flood Control, except as specifically determined by the board pursuant to Section 9611. Neither the development nor the adoption of the Central Valley Flood Protection Plan shall be construed to constitute any commitment by the state to provide, to continue to provide, or to maintain at, or to increase flood protection to, any particular level.

(b) The Central Valley Flood Protection Plan reflects a systemwide approach to protecting the lands currently protected from flooding by existing facilities of the State Plan of Flood Control. Any flood protection benefits accruing to lands or communities outside the State Plan of Flood Control are incidental and shall not constitute any commitment by the state to provide, to continue to provide, or to maintain at, or to increase flood protection to, any particular level.

CHAPTER 2. PLAN DEVELOPMENT

9610. (a) By July 1, 2008, the department shall develop preliminary maps for the 100 and 200 year floodplains protected by

project levees. The 100 year floodplain maps shall be prepared using criteria developed or accepted by the Federal Emergency Management Agency (FEMA).

(1) The department shall use available information from the 2002 Sacramento-San Joaquin River Basin Comprehensive Study, preliminary and regulatory FEMA flood insurance rate maps, recent floodplain studies and other sources to compile preliminary maps.

(2) The department shall provide the preliminary maps to cities and counties within the Sacramento-San Joaquin Valley for use as best available information relating to flood protection.

(3) The department shall post this information on the boards Internet Web site and may periodically update the maps as necessary.

(b) By July 1, 2008, the department shall give notice to cities in the Sacramento-San Joaquin Valley outside areas protected by project levees regarding maps and other information as to flood risks available from the Federal Emergency Management Agency or other federal, state or local agency.

(c) On or before December 31, 2010, the department shall prepare a status report on the progress and development of the Central Valley Flood Protection Plan pursuant to Section 9612. The department shall post this information on the board's Internet Web site, and make it available to the public.

9611. The Sacramento-San Joaquin River Flood Management System comprises all of the following:

(a) The facilities of the State Plan of Flood Control as that plan may be amended pursuant to this part.

(b) Any existing dam, levee, or other flood management facility that is not part of the State Plan of Flood Control if the board determines, upon recommendation of the department, that the facility does one or more of the following:

(1) Provides significant systemwide benefits for managing flood risks within the Sacramento-San Joaquin Valley.

(2) Protects urban areas within the Sacramento-San Joaquin Valley.

(c) Upon completion of the Central Valley Flood Protection Plan pursuant to this part, the department may identify and propose to the board additional structural and nonstructural facilities that may become facilities of the State Plan of Flood Control, consistent with the Central Valley Flood Protection Plan. The board may add those facilities to the State Plan of Flood Control based on a determination showing how the facility accomplishes the purposes identified in subdivision (b).

(d) For the purposes of subdivision (c), facilities that may become facilities of the State Plan of Flood Control include bypasses, floodway corridors, flood plain storage, or other projects that expand the capacity of the flood protection system in the Sacramento-San Joaquin Valley to provide flood protection.

9612. (a) The department shall prepare, and the board shall adopt, a plan identified as the Central Valley Flood Protection Plan in accordance with this part.

(b) No later than January 1, 2012, the department shall prepare the Central Valley Flood Protection Plan in accordance with this part, and shall transmit the plan to the board, which shall adopt the plan no later than July 1, 2012.

(c) The board shall hold at least two hearings to receive comments on the proposed plan. At least one hearing shall be held in the Sacramento Valley and at least one hearing shall be held in the San Joaquin Valley. The board shall also accept comments in writing with regard to the proposed plan.

(d) The board may make changes to the proposed plan to resolve issues raised in the hearings or to respond to comments received by the board. The board shall publish its proposed changes to the proposed plan at least two weeks before adopting the plan.

(e) The plan shall be updated in subsequent years ending in 2 and

(f) The department or the board may appoint one or more advisory committees to assist in the preparation of the plan. If the department or the board appoints one or more advisory committees, the advisory committee or committees shall include representation by interested organizations.

9613. (a) Consistent with subdivision (b) of Section 5096.821 of the Public Resources Code, the department may implement flood protection improvements for urban areas protected by facilities of the State Plan of Flood Control before the adoption of Central Valley Flood Protection Plan if the director determines, in writing, that all of the following apply:

(1) The improvements are necessary and require state funding before the completion of the Central Valley Flood Protection Plan prepared pursuant to Section 9612.

(2) The improvements will reduce or avoid risk to human life in one or more urban areas.

(3) The improvements will not impair or impede future changes to regional flood protection or the Central Valley Flood Protection Plan.

(4) The improvements will be maintained by a local agency that has committed sufficient funding to maintain both the existing and improved facilities of the State Plan of Flood Control.

(5) The affected cities, counties, and other public agencies will have sufficient revenue resources for the operation and maintenance of the facility.

(6) Upon the allocation of funds for a project, the proposed project is ready for implementation.

(7) The improvements comply with existing law.

(b) The flood protection improvements authorized by this section may include improvements to specific facilities of the State Plan of Flood Control or acquisition of flood easements for floodways that support facilities of the State Plan of Flood Control to increase levels of flood protection for urban areas in accordance with subdivision (b) of Section 5096.821 of the Public Resources Code.

(c) The department and the board shall investigate and evaluate the feasibility of potential bypasses or floodways that would significantly reduce flood stage in the San Joaquin River Watershed, upstream and south of Paradise Cut.

9614. The plan shall include all of the following:

(a) A description of the Sacramento-San Joaquin River Flood Management System and the cities and counties included in the system.

(b) A description of the performance of the system and the challenges to modifying the system to provide appropriate levels of flood protection using available information.

(c) A description of the facilities included in the State Plan of Flood Control, including all of the following:

(1) The precise location and a brief description of each facility, a description of the population and property protected by the facility, the system benefits provided by the facility, if any, and a brief history of the facility, including the year of construction, major improvements to the facility, and any failures of the facility.

(2) The design capacity of each facility.

(3) A description and evaluation of the performance of each facility, including the following:

(A) An evaluation of failure risks due to each of the following:

(i) Overtopping.

(ii) Under seepage and seepage.

(iii) Structural failure.

(iv) Other sources of risk, including seismic risks, that the department or the board determines are applicable.

(B) A description of any uncertainties regarding performance capability, including uncertainties arising from the need for

additional engineering evaluations or uncertainties arising from changed conditions such as changes in estimated channel capacities.

(d) A description of each existing dam that is not part of the State Plan of Flood Control that provides either significant systemwide benefits for managing flood risks within the Sacramento-San Joaquin Valley or protects urban areas within the Sacramento-San Joaquin Valley.

(e) A description of each existing levee and other flood management facility not described in subdivision (d) that is not part of the State Plan of Flood Control that provides either significant systemwide benefits for managing flood risks within the Sacramento-San Joaquin Valley or protects an urban area as defined by subdivision (k) of Section 5096.805 of the Public Resources Code.

(f) A description of the probable impacts of projected climate change, projected land use patterns, and other potential flood management challenges on the ability of the system to provide adequate levels of flood protection.

(g) An evaluation of the structural improvements and repairs necessary to bring each of the facilities of the State Plan of Flood Control to within its design standard. The evaluation shall include a prioritized list of recommended actions necessary to bring each facility not identified in subdivision (h) to within its design standard.

(h) The evaluation shall include a list of facilities recommended to be removed from the State Plan of Flood Control. For each facility recommended for removal, the evaluation shall identify both of the following:

(1) The reasons for proposing the removal of the facility from the State Plan of Flood Control.

(2) Any additional recommended actions associated with removing the facility from the State Plan of Flood Control.

(i) A description of both structural and nonstructural methods for providing an urban level of flood protection to current urban areas where an urban area means the same as set forth in subdivision (k) of section 5096.805 of the Public Resources Code. The description shall also include a list of recommended next steps to improve urban flood protection.

(j) A description of structural and nonstructural means for enabling or improving systemwide riverine ecosystem function, including, but not limited to, establishment of riparian habitat and seasonal inundation of available flood plains where feasible.

9615. For the purposes of preparing the plan, the department shall collaborate with the United States Army Corps of Engineers and the owners and operators of flood management facilities.

9616. (a) The plan shall include a description of both structural and nonstructural means for improving the performance and elimination of deficiencies of levees, weirs, bypasses, and facilities, including facilities of the State Plan of Flood Control, and, wherever feasible, meet multiple objectives, including each of the following:

(1) Reduce the risk to human life, health, and safety from flooding, including protection of public safety infrastructure.

(2) Expand the capacity of the flood protection system in the Sacramento-San Joaquin Valley to either reduce floodflows or convey floodwaters away from urban areas.

(3) Link the flood protection system with the water supply system.

(4) Reduce flood risks in currently nonurbanized areas.

(5) Increase the engagement of local agencies willing to participate in improving flood protection, ensuring a better connection between state flood protection decisions and local land use decisions.

(6) Improve flood protection for urban areas to the urban level of flood protection.

(7) Promote natural dynamic hydrologic and geomorphic processes.

(8) Reduce damage from flooding.

(9) Increase and improve the quantity, diversity, and connectivity of riparian, wetland, flood plain, and shaded riverine aquatic habitats, including the agricultural and ecological values of these lands.

(10) Minimize the flood management system operation and maintenance requirements.

(11) Promote the recovery and stability of native species populations and overall biotic community diversity.

(12) Identify opportunities and incentives for expanding or increasing use of floodway corridors.

(13) Provide a feasible, comprehensive, and long-term financing plan for implementing the plan.

(14) Identify opportunities for reservoir reoperation in conjunction with groundwater flood storage.

(b) The plan shall include a prioritized list of recommended actions to reduce flood risks and meet the objectives described in subdivision (a).

CHAPTER 3. PLAN IMPLEMENTATION

9620. Upon the adoption of the plan by the board, all of the following apply:

(a) The facilities identified pursuant to subdivision (a) of Section 9614 shall be deemed to be part of the system.

(b) The board shall act on the recommendations to remove facilities identified pursuant to subdivision (h) of Section 9614 from the State Plan of Flood Control.

(c) The department shall develop a recommended schedule and funding plan to implement the recommendations of the plan. To develop the recommended schedule and funding plan, the department may collaborate with local and federal agencies.

9621. Consistent with the adoption of the Central Valley Flood Protection Plan pursuant to this part, each county shall collaborate with cities within its jurisdiction to develop flood emergency plans within 24 months of the adoption of the plan.

9622. Consistent with the adoption of the Central Valley Flood Protection Plan pursuant to this part, each city, county, and city and county shall collaborate with the state and local flood management agencies to provide relocation assistance or other cost-effective strategies for reducing flood risk to existing economically disadvantaged communities located in nonurbanized areas.

9623. Consistent with the adoption of the Central Valley Flood Protection Plan pursuant to this part, each city, county, and city and county shall collaborate with the state and local flood management agencies to develop funding mechanisms to finance local flood protection responsibilities by January 1, 2010.

9624. Notwithstanding any other provision of law, this part applies to all cities, including charter cities, and counties included in the plan pursuant to Section 9614. The Legislature finds and declares that flood protection in the Sacramento-San Joaquin Valley is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution.

9625. (a) By January 1, 2010, the department shall develop cost-sharing formulas, as needed, for funds made available by the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Chapter 1.699 (commencing with Section 5096.800) of Division 5 of the Public Resources Code) and the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code) for repairs or improvements of facilities included in the plan to determine the local share of the cost of design and construction.

(b) The cost-share formulas developed by the department shall be

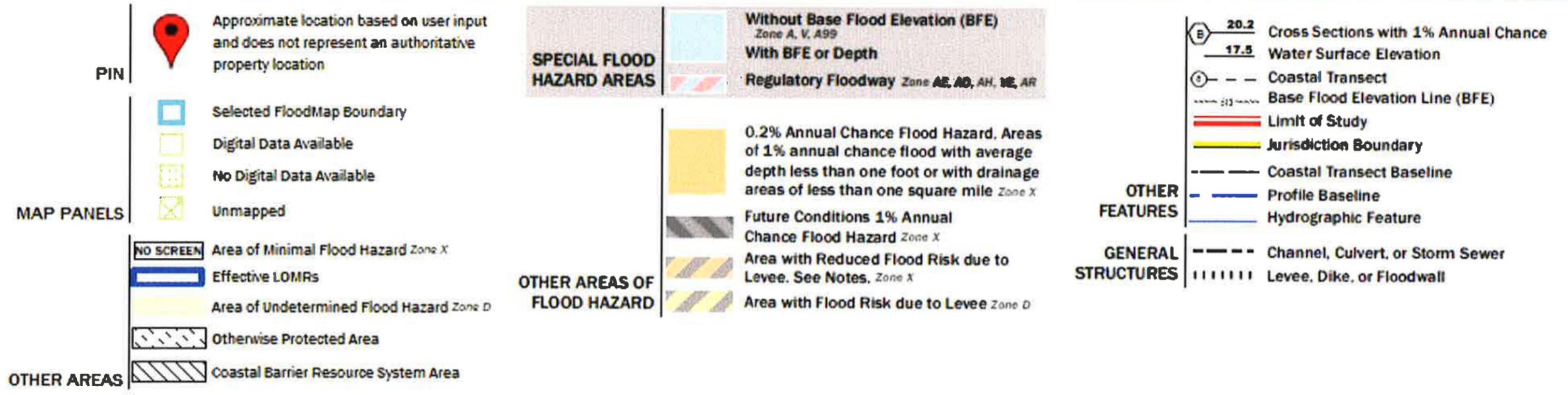
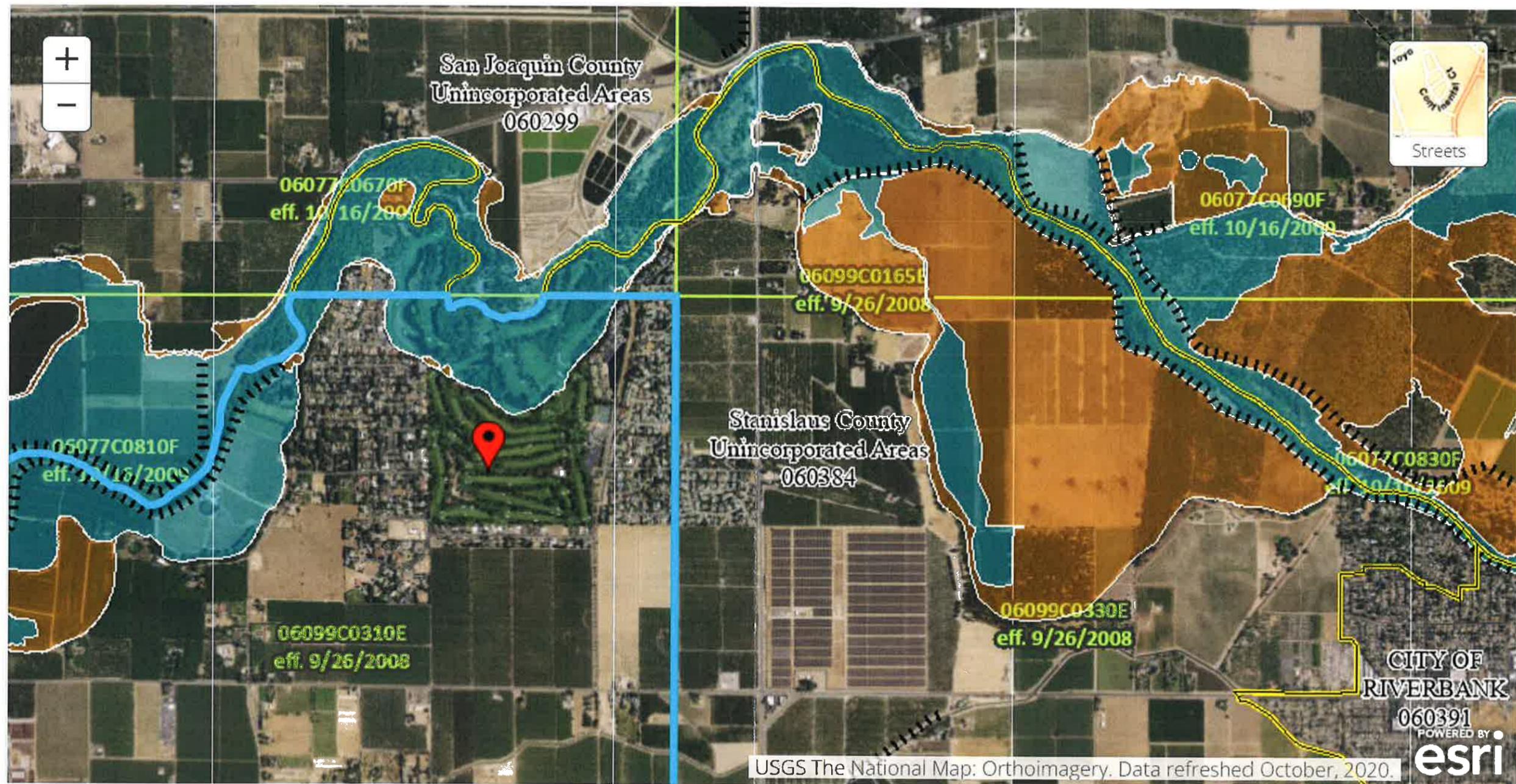
established pursuant to Section 12585.7.

(c) In developing cost-share formulas, the department shall consider the ability of local governments to pay their share of the capital costs of the project.

(d) Prior to finalizing cost-share formulas, the department shall conduct public meetings to consider public comments. The department shall post the draft cost-share formula on its Internet Web site at least 30 days before the public meetings. To the extent feasible, the department shall provide outreach to disadvantaged communities to promote access and participation in the meetings.

SEC. 10. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 11. This act shall become operative only if Assembly Bill 162 and Senate Bill 17 of the 2007-08 Regular Session of the Legislature are enacted and become operative.



MAY 16 2024

DEVELOPMENT SERVICES

May 1, 2024

City of Riverbank
Attn: Miguel Galvez, Contract City Planner
6617 Third Street
Riverbank CA 95367

RE: River Walk Specific Plan/Draft Environmental Impact Report Comments, Riverbank, CA

Dear Mr. Galvez:

I would like to offer the following comments on the proposed River Walk Specific Plan "Project"/Draft Environmental Impact Report (EIR) so that it becomes part of the permanent public record and is included in the Final EIR for the referenced Project.

Whereas the EIR adequately discusses the groundwater conditions from a regional, basin-wide perspective, it fails to address potential adverse impacts that could occur at the local scale as a result of implementation of the River Walk Project. All that is really mentioned in the EIR is the comparison of existing pumping compared to unused existing wellfield pumping "capacity," and then comparing that "capacity" to the total basin storage and concluding that Riverbank's "share" of that is minimal.

The potential adverse impacts that could occur from the Project are a result of the change in the City of Riverbank's wellfield operations and resulting change in the wellfield's radial cone of influence. What is missing is an analysis of the pre-existing conditions versus the post-Project conditions. The change in groundwater drawdown that could occur as a result of the shift in geometry of the wellfield and the change in pumping to serve the water demand for the proposed Project could result in adverse impacts to private, self-supplied wells (either for domestic use or other uses) and increased capture of induced infiltration from the Stanislaus River, which could impair in-stream flow requirements (mandated by the State Water Board) made by releases of surface water from New Melones Reservoir.

While Riverbank's Urban Water Management Plan and the Water Supply Assessment that was prepared as required by SB 610 are referenced in the EIR, this type of planning typically does not include the type of analysis that is needed to demonstrate compliance with the Sustainable Groundwater Management Act (SGMA) which requires a drawdown analysis covering a 20-year period. In addition, given that this proposed Project has come forward after the January 2022 local adoption of the Groundwater Sustainability Plan (GSP) prepared for the Modesto Subbasin, of which Riverbank is a part, it is unlikely that the Project's impact was considered during the preparation of that GSP. The Project must stand on its own merits and demonstrate that it is in compliance with SGMA and that it has received the "blessing" of the Modesto Subbasin. These components are completely missing in the EIR and must be addressed.

It is also important to note that the GSP for the Modesto Subbasin did not receive approval by the State. In fact, in January 2024 the Plan was rejected by the Department of Water Resources, and therefore, by July 2024 (just 2 months from now) the Plan's deficiencies must be addressed. The deficiencies include:

SVP

May 1, 2024

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River Walk Specific Plan Comments

1) the GSP must include a program for the replacement of domestic wells that are impacted by declining groundwater levels; and 2) a "backstop" must be included in case the projects and management actions in the GSP either (a) don't materialize and/or (b) don't materialize in the magnitude predicted, and if they don't, the GSP must specifically address what the subbasin will do to mitigate unsustainable groundwater extraction. The proposed Project will rely solely on groundwater extraction via newly installed wells and a new 2M gallon storage tank which will double the City's current storage capacity.

Question: was the availability of the Draft EIR made known to the other six (6) members of the Modesto Groundwater Subbasin that comprise the Stanislaus and Tuolumne Rivers Groundwater Basin Association Sustainability Agency (including the Cities of Modesto, Oakdale and Waterford, Stanislaus County, and the Modesto and Oakdale Irrigation Districts) so they were made aware of the opportunity to provide comment? I ask because I did not see that them listed as agencies that were consulted. If they were not consulted/included, the Draft EIR should be recirculated so these agencies have the opportunity to review and comment on the proposed Project.

To adequately evaluate the pre- versus post-Project conditions at the appropriate local scale the following should be done:

1. Map the location of all City of Riverbank existing wells and assign for each well the average, sustained pumping conditions (Note: Please provide as I was unable to find such a map in the EIR).
2. Map the location of the proposed new wells* and assign pumpage for each well as described above. (Note: Please provide as I was unable to find such a map in the EIR). This step will necessitate the need to evaluate what other existing wells (private domestic or agricultural) will be taken out of service as a result of the project's footprint, and should include their location and historical groundwater withdrawals. Note: what is needed to be evaluated is the potential impact of the City's change in wellfield operations that could occur as the result of the proposed Project, all other conditions remaining the same.
3. Perform drawdown calculations for the existing conditions in Step 1.
4. Perform drawdown calculations for the proposed conditions in Step 2, including the existing wells and any assigned change in pumping assigned to them arising from the Project's increase in demand.
5. Compare the change in drawdown (relative difference) from both horizontal and vertical perspectives, for the pre- vs. post-Project conditions.
6. Evaluate what the change in drawdown is for the pre- vs. post-Project conditions at local sensitive receptors such as private domestic wells, groundwater-dependent ecosystems (GDEs) and induced infiltration of surface water from the Stanislaus River, and for each potential adverse impact either (a) change the wellfield geometry and assigned pumpage to minimize or avoid the potential adverse impact, or (b) provide appropriate mitigation measures that will offset the potential impacts.

May 1, 2024

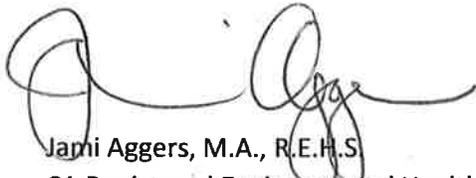
Page 3

River Walk Specific Plan Comments

*The EIR indicates that 2 new wells are proposed for the Project. The Specific Plan along with the Power Point presentation that was presented by the consultant at the Riverbank City Council meeting on February 27, 2024, however, indicate that 3 new wells are proposed for the Project. Please clarify whether 2 or 3 new wells are proposed for the Project and, if 3 new wells are proposed, follow the Steps outlined above.

The EIR also states the following on Page 3.9-10: "Over-pumping has caused lowering of water levels in Modesto Subbasin. Ongoing overdraft conditions are expected to expand the area of low groundwater levels to the north and south beneath the Stanislaus and Tuolumne Rivers, resulting in significant and unreasonable streamflow depletions and impacts to surface water uses." The proposed Project is not only in the "north" but it is adjacent to the Stanislaus River. The EIR fails to adequately address this potentially significant impact the proposed Project could cause.

The above-described type of CEQA analysis needs to be completed in order to demonstrate compliance with SGMA and the GSP for the Modesto Subbasin insofar as meeting the defined sustainability management criteria related to the resource areas of concern and the avoidance or mitigation of potential undesirable results. Given this, the EIR's analysis falls short of being comprehensive and, therefore, should re-evaluate the potential impacts the Specific Plan could have as described. Following this re-evaluation/analysis, the EIR should be recirculated for comment.



Jami Aggers, M.A., R.E.H.S.

CA Registered Environmental Health Specialist

Director, Stanislaus County Dept. of Environmental Resources (2012-2021, Ret.)

Experience in the Environmental Field: 40 years

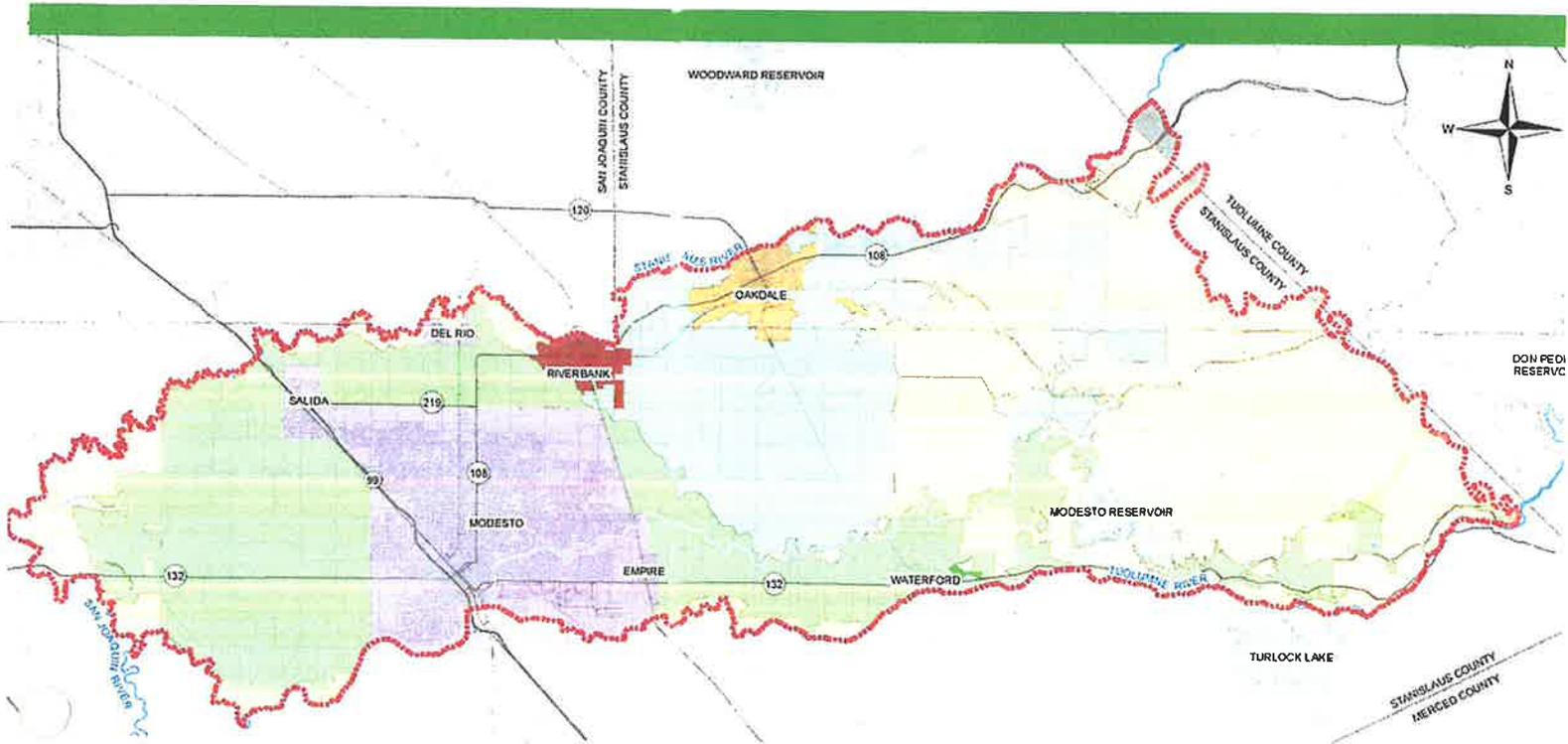
7730 McHenry Ave

Modesto, CA 95356

Enclosure: Modesto Irrigation District Newsletter, March 2024

ACHIEVING SUSTAINABILITY IN THE MODESTO SUBBASIN THROUGH MID'S GROUNDWATER REPLENISHMENT PROGRAM

Modesto Irrigation District's Long-Term Groundwater Replenishment Program and Department of Water Resources Incomplete Determination Overview



BACKGROUND



Learn more about STRGBA GSA

The Modesto Subbasin covers approximately 250,000 acres in Stanislaus County lying between the Tuolumne, Stanislaus, and San Joaquin Rivers. The seven agencies covering the Modesto Subbasin formed the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency (STRGBA GSA). STRGBA GSA has the authority and responsibility to manage the groundwater basin and submitted Modesto Subbasin's Groundwater Sustainability Plan (GSP) to the Department of Water Resources (DWR) on January 31, 2022. Almost two years later on January 18, 2024, DWR determined the GSP to be incomplete. The STRGBA GSA has 180 days (no later than July 16, 2024) to address the identified deficiencies by DWR in the Modesto Subbasin GSP.

WHAT DOES THE INCOMPLETE DETERMINATION MEAN?



Read DWR's January 2024 letter

The deficiencies outlined by DWR can be summarized in two points:

1. The subbasin needs a domestic well mitigation program. This type of program would provide for replacement of domestic wells impacted by declining groundwater levels.
2. The subbasin needs a backstop. If the projects and management actions either (a) don't materialize and/or (b) don't materialize in the magnitude predicted, what will the subbasin do to mitigate unsustainable groundwater extraction. This requires the establishment of a demand management program. Demand management can take many different forms - fallowing, idling, multi-benefit land repurposing, or implementation of a groundwater allocation.

Please see below link to view the maps:

Here is the FEMA Web link to the Flood Insurance Rate Map (FIRM) for the River Walk Specific Plan project area:

<https://msc.fema.gov/portal/search?AddressQuery=423%20Hogue%20Road%2C%20Modesto%2C%20CA>

A

A person just needs to type in an address in the project area to bring up FEMA FIRM Map No. 06099C0165E (Panel 165 of 1075). I typed 423 Hogue Road, Modesto, CA in the sample above.

MAY 16, 2024

DEVELOPMENT SERVICES

May 16, 2024

Mr. Joshua Mann
City of Riverbank

I am opposed to this project, it will destroy our farmland and make traffic problems worse, The studies do not look all the impacts this project will cause.

Comments re: River Walk

1. Does the DEIR cover only the Specific Plan area or the entire Project Area.
2. The number of dwelling units provided are 2,432 to 2,800. How many are planned? How many in the rest of the project area? Are any dwellings low income?
3. McHenry and Patterson Roads already have high traffic volumes. The traffic crossing the McHenry Bridge has resulted in traffic backing up on the First St. bridge and on First St, and also on Atchison and Callendar and Patterson, First St. is residential. Why weren't there any studies on done these impacts? There will also be increased traffic on Coffee, Oakdale, Claribel and Rosselle from vehicles trying to avoid the backups this city can't handle. Where are the studies on these impacts? A lot of studies/pictures are outdated.
4. Is this project a gated community? Will the parks, trails and river access be restricted to members/residents and their visitors or open to the public? Will they be considered city parks? What will be the cost to the city?
5. What are the costs of providing water, sewer and storm drainage lines to this project? What will the developer and applicant pay and what are the costs to the city? Will these costs raise our rates? What are the costs to the city for providing solid waste removal. Will this result in rate increases?
6. There will be a need for more deputies. What will be the cost and how much will the city pay? Will the developer pay for any of these costs?
7. A second fire station is proposed for Crossroads West. What will developer and applicant pay towards this? per page 2.0-30: "The actual need for additional staff will be evaluated by the service providers as development occurs and will be reevaluated each year by the City of Riverbank in their budgeting process." Are the service providers Stanislaus Consolidated? Why is the city reevaluating them? What will this cost the city and how much our assessments be raised?
8. There are four school districts, More buses contributing to the traffic impacts?

The huge affect on the air quality and noise will effect the whole city as the traffic will invade other areas to escape the back-up of vehicles.

This project will take more of are agricultural land which we need. It will adversely affect the wildlife, the fish, the flora, etc. It wil affect the historical value of the native american sites nad the history of Riverbank- the old ferry sites and the early exploration trails. All this should not be disturbed. Once gone, we can't get them back.

Thank you

Evelyn Halbert

Miguel Galvez

From: Karen Conrotto <kconrotto@gmail.com>
Sent: Monday, May 20, 2024 5:00 PM
To: Gaby Hernandez; Miguel Galvez
Cc: Karen Conrotto
Subject: Response Letter to River-Walk DEIR

5/16/24

May 16, 2024
City of Riverbank
Miguel Galvez, Contract City Planner
6707 3rd Street, Suite A
Riverbank, CA 95367
cityplanner@riverbank.org or riverwalk@riverbank.org

RE: River Walk Specific Plan Public Draft 1/31/24 and River Walk Specific Plan Draft EIR volume 1 and 2.

Dear Mr. Galvez,

I appreciate the opportunity to comment on the proposed River Walk Specific Plan project. I have concerns with the incompleteness and inadequacies of these documents, including the vague references to completing decisions later, rather than stating the finalized decisions in the DEIR. The Stanislaus County's response to the Notice of Preparation for the EIR dated July 5, 2021 was not included.

Because of all the concerns that have been raised, this project and its associated documents, the NOP, the Environmental Check List, the Draft EIR Volume 1, the Draft EIR Volume 2, the SP Traffic Report, and several private/public presentation meetings, this project should be denied and this project should have to be recirculated to meet CEQA mandated requirements that were not done. CEQAnet did not reflect the proper closing date for public comment and did not have all the associated documents available. The city of Riverbank did not make all the documents available to the Hispanic Community at the close of comment.

Cumulative Impact

Cumulative impacts are supposed to include a comprehensive list of past, present, and probable future projects.

The City of Riverbank's Crossroads West Project (1500 acres) is not included in the list of comparable projects, nor are there any comparable projects outside the City.

The growth and urban sprawl throughout Stanislaus county should be included in the DEIR. There has been much approved growth in Patterson, Turlock, Ceres, Modesto, etc as well as in Stanislaus county itself. Close to Riverbank, in the Kiernan Ave/Tully Road area, there has recently been completed or will be building, a Catholic Church, a Hindu Temple and a 300,000 square foot warehouse, all with traffic, water, sewer, etc. impacts and implications.

Sewer

The City of Riverbank has their sewer ponds in neighboring San Joaquin County. It looks like they would have to pipe sewage through private property whether they route it through the north or south sides of the river. If they use the north side of the river, they will have to pipe the sewage under the Stanislaus River.

There are concerns that if the private property owners, do not want to have a sewer pipe flowing through their property, the City of Riverbank may attempt to claim eminent domain. Has there been adequate study of riparian habitat destruction during construction and environmental studies for possible breakage and leakage of sewage into the Stanislaus River and the cost and consequences of cleaning up the sewage spills? Has a study been done about the effect of natural disasters on the sewage pipes? What happens in a 400 year flood with massive boulders scraping out the river channel and breaking pipes? What about earthquakes? Who would be responsible for the aftermath? Has a fund been set aside for developers to contribute to before they finish the project and leave?

Another concern is the reliance of a few settling ponds to deal with potentially toxic run off, adjacent to the Stanislaus River.

San Joaquin County should have been a co-lead agency on this project.

There has been no Federal consultation for approval.

This project requires NEPA review.

Water

The river bottom is a valuable recharge water area. This is an area almost unique in the world, and highly coveted even in our state of California for it's unique ability to retain water, due to the soil composition, that allows the permeation of water through the soil, and then due to the sedimentary layers that can trap water, becomes a giant aquifer. The gist of the remark a presenter for River Walk said during his presentation, was that once this land is paved over for development, it is gone forever, it can't be brought back. If the land is paved over, not only do we lose forever this exquisite farmland, but rain water can not continue to recharge the aquifer. There had been mention of forcing water underground to recharge the ground water; however, the effectiveness and detrimental side effects of this method need to be assessed.

Stormwater/Grey Water

Stormwater will usually go into a sewer or the ground water recharge basin/aquifer; however, stormwater often contains contaminants, that percolate into the water table. Eventually, stormwater may also be pumped to the sewer treatment plant, which would create an entirely different and unrealistic volume for treatment and would impact the sewer facility.

Wells

As asked previously in response to the NOP, but was not responded to within the DEIR: Who will pay for the replacement wells that dry up surrounding the river walk area; who, before it occurs, will be determined to be responsible, the original landowners, the developers, the lenders, Riverbank City or would all share in the responsibility? This would involve land owners on both sides of the Stanislaus River and further inland, as water moves laterally as well as vertically. We would like that discussed, determined and made known to surrounding area landowners with the determination to be included in the final EIR. I would like to see the developers held responsible with a hold on money for any events that occur (decades) after they have taken their profit and left the area, leaving the residents to foot the bill. As someone said, "New Development never pays for itself".

Previously the State Dept of Conservation denied an easement because it was on a flood plain, with the reasoning that it was not needed because no one would ever build there on that floodplain.

New wells will further deplete the groundwater basin and may be in conflict with SGMA legislation which requires groundwater basins to be self-sustaining.

The impact of future and continued droughts have not been addressed.

Traffic

The traffic report was released well after the DEIR was initially released. The City Council was asked by several people to extend the timeline; that request was not honored. The traffic report was not translated into Spanish.

We have many concerns with traffic issues. It is not just the City of Riverbank that has been impacted by traffic jams and accidents. The added population of the proposed project would laden our current roads beyond what we already endure. There have been horrific accidents on the recently widened McHenry Avenue from Ladd Road across the bridge to River Road. The proposed Coffee Road across Patterson road, through the River bottom land to exit/enter on McHenry Avenue, just south of the bridge, will likely increase stalled traffic and accidents. Daily speeding is common and already the center turn lane has been used for passing (unsafely). When thousands of more vehicles and drivers and passengers are using these roads, it is expected that lives will be at increased risk. All local roads will be impacted, Oakdale Road, Coffee Road, Patterson Road, River Road, Ladd Road, Claribel Road, Kiernan Avenue, as well as residential streets and if people who are commuting to work live in the proposed area, the effect will extend into neighboring cities, highways and freeways. There is mention of improved roads; however, no timeline nor specifics were given. Traffic signal lights have not been discussed.

There was no discussion about air traffic control space flights impact over this project area.

Pollution

Having a proposed housing and commercial buildings development will increase air, water, noise, light, sewer, trash, and smell pollution. The City of Riverbank has not supplied in this document a Railroad Safety plan. If there was a disaster, Riverbank as well as Modesto would be affected. There does not appear to be a Hazardous Master Plan of how to handle a disaster for urban and commercial areas. The potential of toxic run off could occur with the reliance on only a few settling ponds adjacent to the river. The plan to have limited sewer ponds so close to the Stanislaus River does not seem wise nor prudent. There should be consideration by the City of Riverbank to remedy that.

Noise/Sound

The River bottom land lays lower than the surrounding bluffs; it creates a "bowl" effect.. Sound travels upward. Any noises created by people and animals living in that proposed area will be of significantly higher volume to the people living on higher ground, than the people who are creating the noise. Voices, talking, shouting, music, engines, barking, singing, motors, lawn mowers, motorcycles, etc will be disturbing the peace on a continual basis. A sound wall would not be sufficient to block these noises of daily living. People move to the country for many reasons, a quiet and peaceful environment is one of them. How will the developers mitigate this adverse effect on current neighbors? That includes those who live on the north side of the river.

Trash

The number of people living in this proposed development will create an increase in garbage. The State of California mandated the increase of cost of services of disposal trash collection, which hasn't been addressed. With the closure of the Modesto Garbage Burner, Stanislaus County lost a burning container. Has Riverbank contracted at all with Modesto? As Riverbank exceeds its limits, where will the garage go and how high will fees for their residents increase?

River Cove is an example of visitors and homeless creating unsightly and unsanitary piles of trash, throughout the area, on the bluffs as well as along the river. There are homeless encampments. Where are they using bathroom facilities; along the river would increase the possibility of dangerous materials polluting the river. Approving the proposed River Walk project would open this beautiful, pristine and sacred land to pollution. The City of Riverbank has been overwhelmed with attempting to house its homeless population. It will not be able to protect this additional riparian habitat.

River, Riparian Habitat

The developers failed to use updated flood control maps. Design standards for the riparian corridor buffer should have been in the DEIR, not to be negotiated at the time of project approval. In the document the importance of wildlife corridors being impacted was not addressed. The detrimental effect of human beings just being present nearby, and walking in off-limit areas, is common sense; wildlife will leave the area. Combined as well with their pets (especially dogs and cats), whether playing or hunting, whether with their owners, or on their own, would destroy the nesting sites, flora and wildlife itself. This project would significantly reduce the corridor capacity to allow safe passage for wild animals. Life sustaining habitats would be reduced. A more inclusive study needs to be done. The buffer and green belt zone are inadequate and need to be enlarged.

Conflict of Interest

There were poor notifications and wrong information given. The City of Riverbank failed to notify the people with an invested interest in this project.

Neighbors surrounding the proposed River Walk project area were not notified of this project. We found out through an article in the Modesto Bee and by word-of-mouth.

There were no public meetings for the general public to attend to discuss and learn about the proposed River Walk project.

Two private meetings were held, separately, for special interests. These private meetings should be incorporated into the record for this project.

We were told, Dave Romano set up a "Hogue Road Neighborhood" informal meeting that he wouldn't allow to be videotaped, nor invite additional people, outside of the immediate neighbors. People from River Heights/Park Ridge area were turned away when they arrived to attend the meeting.

When we called, asking when the NOP meeting would be held, Donna Kenney responded that this was a River Heights meeting, it was just an informal meeting, and of no interest to anyone outside of that neighborhood; Riverbank was just facilitating the meeting with Zoom.

Special Interests were notified, prior to the NOP, such as real estate brokers were given notice about the impending building of homes in the targeted Riverbottom land.

LAFCO was not notified.

The Army Corp of Engineers was not notified.

This project requires NEPA review.

The proposed River Walk project is planned for the wrong location. The City of Riverbank already has an adequate amount of land in their SOI for this project or one close to it.

Excessive government subsidization of developer expenses should be addressed.

One of the owners of the property for the proposed River Walk project, Bill Berryhill, is also an Alternative Public Member Commissioner on the board for Stanislaus County Local Agency Formation Commission (LAFCO). If the City of Riverbank City Council members approve of the proposed River Walk project, the proposed project will come before the Stanislaus County LAFCO Commissioners. Among the purposes of LAFCOs, according to the internet, are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies. LAFCO must consider the effect that any proposal will produce on existing agricultural lands. By guiding development towards vacant urban land

and away from the agricultural preserves, LAFCO assists with the preservation of valuable agricultural resources.

1:1 Mitigation is not adequate. 2:1 Mitigation is more acceptable; however, there will not be land found in this area that has comparable size, soil quality, ground water/recharge accessibility, river access, wildlife habitat, corridors, flora or fauna.

The Village concept plan has had many difficulties associated with this type of planning.

There has been public discussion of the concern's of having mayors of cities being on the LAFCO board. The public and political perception of conflict of interest and non-transparency of the proposed project should be that Mr. Berryhill and Mr. O'Brien recuse themselves from decision making at LAFCO on this project; a potential conflict of interest or lack of impartiality exists.

The City of Riverbank failed to notify the landowners of the continued evolution of the changes associated to this proposed project such as not notifying landowners nor LAFCO. The City of Riverbank failed to consult with Federal Agencies and has failed to translate and make available all of the associated documents into Spanish for their Hispanic community.

The worst of the City of Riverbank proposed project omission was that CEQA State Clearing House was not notified that the public comment period was extended to May 16, 2024. Please refer to the OPR document.

NEPA was not notified.

Fallow Land:

When the consultants of the River Walk DEIR noted that part of the BergHill property was fallow land, it was not clear if they were referring to fields that had been harvested of their row crops and were in the time period before prepping for the new crop commenced, or if they were referring to areas more isolated. To this day, this site has been actively farmed, and is highly productive farmland. As an example, cherries are being harvested at this time.

Urban Sprawl/Leapfrogging

The proposed River Walk project would encourage urban sprawl and leapfrogging. There is an unincorporated county subdivision between the City of Riverbank and the proposed River Walk Development. The residents of Park Ridge and River Heights have expressed dismay and anger at the possibility that they would be forced to annex into the City of Riverbank and be subject to those fees. They would also have to contend with losing their wells and septic systems.

According to the internet, urban sprawl can best be described as irregular and disorganized growth occurring without apparent design or plan, characterized by the inefficient delivery of important urban services (police, fire, water, and sanitation) and the unnecessary loss of agricultural land. By discouraging sprawl, LAFCO discourages the misuse of land resources and promotes a more efficient system of local governmental agencies.

Farming/Farmers

As we have continued to fight the proposed River Walk project, it seems that a certain City Council member seems to disregard those of us who have small farms or orchards. In a chance meeting we were referred to as the "subdivision over there". When I asked for clarification, he indicated that he was referring to the Hogue Road/McHenry Avenue neighborhood. We do not fit the definition of a Subdivision. We have also heard rumors of being called "pretend" farmers. We all work hard on our orchards. We have small enough acreage to try to do most of the work ourselves, with some help when needed. That includes prepping and maintaining the soil, planting the trees, pruning, fertilizing, watering, maintaining drip lines/irrigation systems, harvesting, and delivering produce. It is a continuous process. We may have

small acreage, but that does not make us less hard working, nor less dedicated to our land, our families and our communities.

With the potential loss of this river bottom farmland, the likelihood of continued 2nd, 3rd, 4th, etc. generation of farmers is diminished yet again, as agricultural land is squeezed out.

When asked about what it would take to save this farmland, what would it take to stop this project, Bill Berryhill indicated “money”. Clearly he is no longer an advocate for the preservation of prime, unique, highly valued agricultural land.

Levees/Flood Control

Levees constructed around the riverbottom land were designed to protect agricultural land; it was not with the intent to protect homes from flooding.

The Wendt Ranch Reclamation District has failed to be mentioned in this document as a responsible agency, and it failed to address the levee conditions. So we raise the following questions and issues regarding the maintenance of the levees and flood plain of this proposed project site:

How old are these levees? When were they built? How strong are they? How well have they been maintained? The damage done by gophers and squirrels and other animals must be evaluated. Where is the documentation? How capable are these levees to be able to withstand the expected increase in frequency and intensity of storms capable of turning 200 year floodplains into 100 , or 50 or 40 year floodplains, or even 500 year floodplains into 200 year floodplains? The developers have used outdated flood control maps to make predictions of safety. They have a responsibility to access new methodology and information. The DEIR should have evaluated the levees that protects the river bottom land. Can the levees withstand erosion, topping, seepage or breaking? When were these levees last inspected? Have these levees been evaluated to confirm that they can withstand the kinds of flood events that are predicted with climate change? Have multiple atmospheric river events been taken into account? During the 2023 storms, New Melones was almost empty and became close to full. If that scenario occurred again, with New Melones already full, how much water would be released for how long, with what downstream effects on flooding? Would the 8,000 cfs release be able to be maintained? Precedent indicates much larger cfs amounts would be released, regardless of flooding downstream. What kind of damage would occur if the rate of released water is increased? How far upstream would a breach in the levee, flood the proposed River Walk area? It seems that this also needs to be included in the evaluation. Previously the State Dept of Conservation denied an easement because it was on a flood plain, with the reasoning that it was not needed because no one would ever build there on that floodplain.

“We aren’t just failing to address the growing climate crisis to come; we’re unprepared even for the impacts already here—in part because they keep surprising us with their intensity and in part because we can’t seem to fathom our genuine vulnerability.” – David Wallace Wells

Schools

Were School Districts informed of the possibility of additional students coming in from this proposed new River Walk development? The DEIR seems to minimize the possibility of students and school district involvement; however, I feel there is a good chance that there will be students living within the project area. If the plans are changed to a different dynamic from the majority of 55 and older statement, then there could be a significant increase in the number of students. The proposed project area could involve several school districts, Riverbank Unified School District, Sylvan Unified School District, Stanislaus Union School District, Modesto City Schools, Oakdale Joint Unified School District, etc. The developers of River Walk have a responsibility and obligation to inform the appropriate School Districts in a timely manner, as early as before the proposed River Walk NOP was released.

The lack of Developer Fees for the schools is a major consideration. Who will pay for the needed schools and busing? The proposed mitigation for oversight of developmental fees for the schools is not adequate. The Developers need to be held responsible for these fees.

The City of Riverbank must ensure the Developers pay all the fees they are responsible for, even when their proposal does not include them.

Soil/Produce

This land has been determined and documented to have prime agricultural land and second best quality land in the world. Ask any farmer who owns the land and any worker that works the land. The quality is unmatched. There is a variety of sandy, loam, clay, etc soil types. Many farmers in this area do not have to struggle to remove stones from their fields, their plows run easily through the soil.

The essence of the remark a presenter for River Walk said during his presentation, was that once this land is paved over for development, it is gone forever, it can't be brought back.

Not only is the quality of the soil exquisite, but the quality of the fruits and vegetables grown here is also unmatched. The taste and freshness are unequalled. If you drive even a few hours away from our valley, the produce in stores is much poorer in appearance and flavor, and I would guess in nutrients as well. This Valley feeds not only our local families and our nation, but the world as well. Agriculture is a major player in our County and State.

Dave Romano suggested at a City Council Meeting that the loss of farmland could be made up through newer farming methods, which has been occurring for decades. I would point out that although we have brilliant researchers and farmers, who have learned to farm with chemical fertilizers and chemical fungicides, insecticides, pesticides, and herbicides, there is a backlash occurring. You can apply fertilizer so many times before the desired effect is diminished. If you over fertilize enough, one can actually kill the trees growing in that over-fertilized orchard. And there comes a time when no land equals no food. There is also the mistake of destroying prime farmland, the type of land that can easily produce an abundance of food and leaving behind the lesser soils to try to produce an equivalent amount of food. With poorer soils, a farmer would need more acreage, not less to attain the same level of produce. Even with increased use of fertilizers, poor soil is no match for the vibrant soil of this river bottom land. This high quality land also has access to water; an ever increasingly important attribute in California.

Architecture/Historical Cultural Significance

This document fails to recognize the historical cultural significance and archaeological importance of these homes associated to this project area. These homes and families would be negatively impacted by this project.

Walton Frank Lloyd Wright Home

Merton Hogue's Hogue Road home

McHenry Carriage house (converted into a home decades ago)

The Mario Corbett home.

Roberson Home

Monroe/Hogue Home

Artifacts: It was reported that artifacts have been found in the proposed River Walk Project Development; however, additional research was not indicated.

Quality of Life/Negative Impact

The proposed River Walk project would significantly negatively impact the quality of life for those who chose to live in the country that are now being threatened to be annexed into the City of Riverbank SOI, with a possibility of annexation. The proposed River Walk project would include the destruction of the

land, the unique and vibrant view the neighbors have enjoyed for years, for multiple generations (affecting both counties, both sides of the Stanislaus River) overlooking the river bottom land. We watch the seasons change, watch crops being planted, cared for and harvested. We watch sunrises and sunsets and the moon, stars and constellations at night, over a vast horizon. Light pollution will interfere with that. Buildings blocking the view will interfere with that. A sea of housing and commercial roofs is not the same as Green Trees, creek habitat and blue sky. We enjoy the wildlife that comes through our yards, or we see from our yards. There are geese migrating, hawks nesting in our trees, and in the river bottom trees. There are all kinds of birds singing songs and flying everywhere. In the evening, there are bats swooping after insects. There are the lulling sounds of frogs and insects, like crickets. I don't want the tranquility of those quiet country sounds being replaced by honking horns, squealing brakes and loud music. The riverbottom land is home to fish, crawdads (crayfish), frogs, raccoons, opossums, skunks, foxes, coyotes, deer, wild turkey, etc. Human activity will chase them away. We don't want to worry about our wells going dry or the cost and loss of established orchards while a new well is drilled. Exhaust from hundreds/thousands of cars, trucks, lawn mowers, leaf blowers, etc. will add to the air pollution, air we breathe.

We ask again, that the City of Riverbank City Council members vote no on the River Walk project.

Because of all the concerns that have been raised, this project and its associated documents, the NOP, the Environmental Check List, the Draft EIR Volume 1, the Draft EIR Volume 2, the SP Traffic Report, and several private/public presentation meetings, this project should be denied and this project should have to be recirculated to meet CEQA mandated requirements that were not done. CEQAnet did not reflect the proper closing date for public comment and did not have all the associated documents available. The city of Riverbank did not make all the documents available to the Hispanic Community at the close of comment. Please see attachments.

Sincerely,

Karen Conrotto