

I am writing to urge the city to reconsider the ill-advised plan to construct this major housing development in the South Watershed area across Stenmark Drive from the Point Molate Beach Park. This is the richest habitat present in the project site. With the extensive shoreline development around San Francisco Bay, such rich habitat has been severely reduced. The entire San Pablo Peninsula is included in the North Richmond Shoreline Important Bird Area designated by California Audubon (<https://www.audubon.org/important-bird-areas/state/california>)

I am a retired research scientist in Molecular Neuroscience from the UCSF Department of Pharmacology. I have been a Richmond resident since 2011. In 2012, I began to make frequent visits to Pt. Molate and the adjacent shoreline in the course of surveying Osprey nests, which are now abundant in this area. We initiated this as a project of the Golden Gate Raptor Observatory (GGRO) to document the expanding Osprey nesting population around San Francisco Bay. Publications have resulted from this work in research journals (Brake, et al (2014) *Western Birds* 45:190-198; Brake (2019) *Pacific Raptor Report*, 40: 45-48) and has been covered in other publications (<https://baynature.org/article/meet-the-urban-osprey-its-a-little-bit-punk-and-a-little-bit-geeky-and-then-it-goes-hunting/>). I have continued this Osprey monitoring in subsequent years, as this Osprey population has continued to expand. I had previously participated in a 10-year GGRO project to monitor urban-nesting Cooper's Hawks in Berkeley (pertinent to later in this letter), which involved photo and video documentation to help in training other nest monitors. In addition, I helped organize and participated in regular winter waterbird surveys with the Richardson Bay Audubon Center of Audubon California between 2016 and 2019, which included Pt. Molate Beach Park. I also helped install and maintain the Golden Gate Audubon Osprey internet nest cameras at the Port of Richmond, and provide expert content for, and help moderate, the associated web site (www.sfbayospreys.org)

In the course of my many visits, I have come to appreciate the abundant and diverse bird life in the project site and surrounding areas. In the South Watershed particularly, transitional habitat from the upland region along the Potrero Ridge, descending through the coastal scrub, coastal terrace prairie and riparian habitats down to the shoreline and rocky intertidal area, which hosts dense eelgrass beds, results in a great diversity and abundance of avian species. Despite very limited public access, and Pt. Molate Beach Park reopened only in 2012, this has become one of the premier birding destinations in Contra Costa County, comparable to such well-known hotspots as Miller-Knox, Pt. Pinole and Pt. Isabel Regional Parks (<https://ebird.org/region/US-CA-013/hotspots?yr=all&m=>). On the personal list of 119 species I have accumulated on my many visits (attached file), over 30 are confirmed or likely nesters in the project site. It is likely the many or most of these species nest and forage in the South Watershed. In winter, this area provides abundant foraging and cover for a large number and diversity of overwintering birds. In the nearshore waters, a great number of aquatic species congregates to take advantage of the excellent foraging available in the eelgrass beds. These numbers grow even higher during Pacific Herring spawning events, that typically occur in February.

The language in the DSEIR fails to convey an accurate sense of the richness of this area.

In Section 4.3, possible occurrence of Special Status Species of the California Department of Fish and Wildlife is addressed, but there are a number of omissions and inadequate species accounts. Presumably a query of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) for documented occurrences of species within a 3-mile radius of the project site was carried out. Species resulting from such a query are listed. The CNDDDB is not an adequate source to learn of all the species likely to be present. This is stated clearly on the CDFW site:

“However, we cannot and do not portray the CNDDDB as an exhaustive and comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of our customers.”

For an area that has not been extensively surveyed such as Point Molate, extensive field surveys and consulting of other sources of species occurrence, such as the Cornell Laboratory of Ornithology eBird site mentioned above, need be utilized to present an accurate account of species likely to occur on or near a project site. As a result of the lack of such an effort, several listed species have been omitted or are poorly described. This includes nesting colonies of **Great-blue Heron**, **Great Egret**, **Snowy Egret** and **Black-crowned Night Heron** on the northeast slope of Red Rock Island. **Brant** are known to rely on eelgrass beds for their wintering grounds, and have been observed offshore of the project site and

surrounding waters. West Brother Island hosts a communal roost of California Brown Pelicans. California Gulls breed on the Richmond Harbor breakwater. Below are some other deficient species accounts.

- **Double-Crested Cormorant**: It is perplexing that the large nesting colony of this species under the Richmond-San Rafael Bridge is not described. This colony has been active since at least the 1908s and is well documented and well-described in the CNDDDB. It is hard to miss from Pt. Molate Beach Park.
- **Osprey**: The Richmond shoreline is now the site of the highest density of nests for the rapidly expanding Osprey nesting population, with 19 active nests in 2019. There were 12 active nests along the San Pablo Peninsula in 2019. A map showing the locations of these nests, as well as nests of other special status species is attached.
- **Cooper's Hawk**: This is very inaccurately described. The description of habitat requirements is quite outdated. This species is well-known to adapt to urbanized habitats, and nests throughout the East Bay and elsewhere in the area. The statement that the project site contains only marginal habitat is erroneous. The abundant avian population described above provides ample foraging opportunity for this species. The stands of eucalyptus and Monterey Pine also provide more than adequate nesting possibilities. The statement that the nearest documented occurrence is 10 miles away is also incorrect. I have submitted nesting records at Miller-Knox Regional Park to the CDFW California Natural Diversity Database, and I saw these records upon a query of that database.
- **Peregrine Falcon**: This species was omitted although it can also take advantage of the same avian prey used by Cooper's Hawks, not to mention the wintering ducks offshore. A pair has been nesting on the Richmond-San Rafael Bridge for a number of years. A pair has also nested the past several years on channel markers and cranes in the Port of Richmond
- **Merlin**: This raptor species is known to winter throughout the area, and there are numerous sightings reported on *eBird*. This species can also take advantage of the same abundant avian prey described for the previous two species.
- **Black Oystercatcher**: Although this species is no longer listed on the CNDDDB, it was considered a Birds of Conservation Concern by USFWS as recently as 2017. The San Francisco Bay breeding population is quite tenuous and continues to be monitored by the US NPS. In 2019, I observed successful nesting on a sunken vessel offshore of Pt. Molate Beach Park, and on East Brother Island.

In summary, this DSEIR severely fails to paint an accurate portrayal of the productive nature for avian species in the project site. The proposed construction in the southeastern portion would result in loss of much of the most valuable habitat on the peninsula, as well as fragmenting that which would remain. Such habitat fragmentation is well-known to degrade ecosystems. Accordingly, any development to be carried out in this project should be restricted to the much more disturbed and developed areas to the north, such as in the Winehaven District. There is no conceivable way by which the disturbance of the southeastern section could be mitigated. The proposed mitigation is to monitor for nesting birds shortly before construction, then create buffer areas. A more rational approach would have been to do proper field surveys as well as take advantage of reported observations to guide the selection for location of any development. In fact, the sites for development were selected without any consideration of any habitat loss or fragmentation. Any claims of "Less Than Significant with Mitigation" by this approach would not be plausible.

Sincerely,

Anthony Brake, Ph.D.