



January 30<sup>th</sup>, 2012

*via email*

Rachel Grossman,  
Associate Planner  
City of Menlo Park

Dear Ms. Grossman

Santa Clara Valley Audubon Society and Sequoia Audubon Society appreciate the opportunity to comment on the Draft Environmental Impact Report for the planned Facebook Campus. Our members typically share a passion for wildlife and natural resources; especially birds. We strive to protect habitats and migration routes, and to foster public awareness of native birds and their ecosystems. The setting of the Facebook campus within and next to the Don Edwards National Wildlife Refuge and the Salt Pond Restoration Project is of concern, as these sites preserve habitats and ecosystems that are utilized by many resident and migratory bird species, including species listed as endangered in California and by the Federal Government. Our comments focus on biological resources.

1. The DEIR project description provides only limited information on the setting of the campuses (East and West) in relation to the Don Edwards National Wildlife Refuge, the Salt Pond Restoration Project, wetlands and marshes, and the Ravenswood Slough. The literature surveys and project description utilize only a small fraction of the information that is readily available regarding the biological resources in the area, especially birds. We ask that the Final EIR review data and studies that are available from the USGS Western Ecological Research Center (<http://www.werc.usgs.gov/>), Don Edwards Wildlife Refuge ([http://www.fws.gov/desfbay/species\\_inventory.htm](http://www.fws.gov/desfbay/species_inventory.htm)), and the San Francisco Bay Bird Observatory (<http://www.sfbbo.org/science/index.php>) in providing an adequate description of the migratory and resident birds that are found in the slough, salt marshes and wetlands in the vicinity of the two campus sites. The DEIR fails to mention that some of the wetlands areas within the Ravenswood Triangle were specifically protected and restored/enhanced to provide habitat for a federally listed endangered species. Please list all the species that utilize nearby wetland habitats, and state what laws apply to the protection of each of these species (such as the Migratory Bird Treaty Act, Endangered Species Act etc.) Please provide maps of protected areas and previously designated mitigation areas.

2. The California Environmental Quality Act (CEQA) requires that the “whole of an action” be described, analyzed and mitigated. A public agency is not permitted to subdivide a single project into smaller individual sub-projects in order to avoid the responsibility of considering the environmental impact of the project as a whole. “The requirements of CEQA, ‘cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial. The term ‘project,’ ... means the whole of an action which has a potential for physical impact on the environment, and ... ‘[t]he term “project” refers to the underlying activity and not the governmental approval process.’ Orinda Assn. v. Board of Supervisors (1986) 182 Calliope.3d 1145, 1171-1172.

The DEIR project description for the East Campus does not provide useful information that would justify exemption from analysis of the entire Facebook campus project as required by the CEQA. The project description should include details on any additional construction/building on the East Campus as well as any changes to the physical environment following the NOP (light, noise, runoff). Furthermore, the morphology of the East Campus site requires that specific Levees be elevated and fortified to protect the campus from sea level rise. Since the configuration of Levees is inherently associated with the location of the East Campus in the midst of Ravenswood Slough, the EIR should describe, analyze and mitigate impacts to biological and other resources that – in the foreseeable future – can be expected to result from the necessary elevation and reinforcement of the levees that protect the East Campus.

3. According to CEQA guidelines, the baseline “normally” consists of “the physical environmental conditions in the vicinity of the project, as they exist at the time . . . environmental analysis is commenced . . . ” (Cal. Code Regs., tit. 14, § 15125, subd. (a)). Thus, the project description for the project should apply the environmental conditions at the time of the Notice of Preparation (NOP) as the baseline for all environmental resources. For the East Campus, this means that description, analysis and mitigations are required for all changes in the physical environment, including changes in lighting, noise, runoff, traffic and any other physical aspects that may have environmental impacts on wildlife and especially on the endangered species in Ravenswood Slough and the marshes adjacent to the two campuses. The EIR should also evaluate the impacts of light and noise on wildlife movement connectivity corridors. We ask that mitigation include a wildlife corridor that is not impacted by light as a buffer between the marshes and human activities.

4. Please provide adequate surveys of biological resources on both project sites. The description “*small unidentified birds were observed in the courtyard during the survey, but no other wildlife species appeared to be present during the survey*” (page 3.10-4) is inadequate, as it conveys no relevant information at all. Adequate surveys should be conducted by a qualified biologist to identify the birds and wildlife on both project sites, including signs of wildlife that use the site whether present or not during the time of the survey. Surveys should extend to the sphere of influence (a minimum of 250-ft from campus boundary) of construction activity and any routine activity on the Facebook

campuses, including recreation and sports, and should include both diurnal and nocturnal components.

5. Surveys for burrowing owls should be conducted on the West Campus site, and the EIR should evaluate the impacts of development on burrowing owls in the bay area and on their remaining habitat, and mitigate for the loss of habitat.

6. We ask that all tree work should be done outside of the nesting season. The DEIR proposes inadequate preconstruction surveys for nesting birds. Since a bird can build a nest, lay eggs and raise nestlings within the time interval of 21 days, the mitigations proposed to protect birds are inadequate and may result in violation of the Migratory Bird Treaty Act. If tree work is conducted within the nesting season, for the duration of tree work during the nesting period, a qualified biologist must inspect each tree no more than two (2) days prior to removal. This mitigation should ensure avoidance of incidental “take” of any bird nest that may contain eggs or nestlings.

7. The DEIR identifies risk to nesting special-status species such as western snowy plovers and salt marsh harvest mice in the adjacent salt marshes from predation by raptors, gulls and corvids. The DEIR proposes that deterrents to perching will be installed in the new, West Campus, but not in the existing East Campus. We ask that the EIR mitigate for this impact on both campuses – East and West – and not limit mitigation to new construction. If any structures are added at the East Campus (solar panels, lighting structures etc), physical deterrents to perching should be installed. In addition, trees should not be planted that would provide predators with perching sites – we ask that no trees be planted on the perimeter of the campuses or in locations that would provide predators with view of wetlands or salt marshes. Additional mitigation can be the removal of existing, derelict poles from nearby marshes, including the Ravenswood Triangle.

8. The North American Bird Conservation Initiative—a joint effort of federal agencies and nonprofit conservation organizations—released the “2009 State of the Birds” in which it reported that the majority of migratory birds in North America are suffering significant population declines due to human-induced causes, including habitat loss and collisions with man made structures (<http://www.stateofthebirds.org/2009>). Recently, the American Bird Conservancy published a report on the issue ([www.abcbirds.org/newsandreports/BirdFriendlyBuildingDesign.pdf](http://www.abcbirds.org/newsandreports/BirdFriendlyBuildingDesign.pdf)). The report examines the problem of bird collision with windows, and offers solution.

Due to the proximity of wetlands and salt marshes and the location on the pacific flyway, the Facebook campuses should be considered hazardous to birds. We maintain that in sensitive, high hazard areas such as the Facebook project sites, collision with windows should be considered a significant impact on migratory birds along the bay and the pacific flyway. This impact should be recognized, analyzed and mitigated to a less than significant level. This impact should also be analyzed cumulatively, since development along the San Francisco Bay is expected to intensify in the foreseeable future (see

General Plans and specific development plans in San Jose, Sunnyvale, Moffett Field, Mountain View, Menlo Park, Redwood City.)

Solutions are emerging for better building design, and glass products are becoming commercially available to mitigate collision of birds with windows. Adoption of bird-safe design principles by Facebook would potentially reverberate around the globe and motivate others to follow suit. The window-glass industry may also change in response.

Thank you for the opportunity to comment on the Facebook DEIR,



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