

ENVIRONMENTAL INSPECTION REPORT City of Oakland – Leona Quarry

Date:	July 28, 2004; 8:30 a.m. – 11:30 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Slightly overcast, approximately 70 degrees Fahrenheit, and approximately 2 to 5 mph wind.
Compliance Status:	THE NON-COMPLIANCE REPORT OF JULY 16 TH REMAINS UNRESOLVED AND ACTIVITIES REMAIN OUT OF COMPLIANCE WITH THE SPECIAL-STATUS SPECIES MITIGATION AND MONITORING PLAN.

ACTIVITY: Whipsnake Fence Inspection

COMMENTS: Inspected the entire length of the Alameda whipsnake protection fence with Construction Monitor Eric Vance (Wetlands Research Associates). None of the problems with the fence noted in last weeks report had been addressed. Repairs still need to be made to portions of the fence where it is not buried correctly or has pulled out of the ground, has slumped below the minimum height requirement of 24 inches, or is in need of having holes patched. Eric communicated the need for all of the above fence repairs to a laborer with the contractor (DeSilva Gates).

The slope collapse that occurred last week (refer to Environmental Inspection Report of July 21, 2004) below the large rocky outcrop between the north slope and the upper bowl that undermined the Alameda whipsnake protection fence has not been repaired. This portion of the fence (approx 8-feet wide) remains suspended in the air over the new gully. Large cracks in the earth were observed approximately 5 feet upslope and parallel to the fence on either side of the new gully. It appears likely that the same sort of collapse noted above will soon occur and undermine a total of approximately 40 feet of fence. Eric stated that he had noticed the cracks prior to my inspection and had notified the contractor of their presence. Eric also communicated to a laborer with the contractor that the fence already undermined by the slope collapse be reinstalled upslope of the new gully.

Non-Compliance:

The Non-Compliance issued two weeks ago (refer to Environmental Inspection Report of July 16, 2004) is still an outstanding issue that needs to be resolved. The improperly installed Alameda whipsnake protection fence along the bottom of the north slope repair area has been completely removed. This large gap in the fence is non-compliant with the project’s Special Status Species Mitigation and Monitoring Plan and could allow entry into construction areas by Alameda whipsnake. The contractor (DeSilva Gates) was observed conducting earthmoving activities in this area.

ACTIVITY: Bird Nesting Inspection

COMMENTS: Construction Monitor Eric Vance (Wetlands Research Associates) and I monitored the rock crevices in the large rocky outcrop between the north slope and the upper bowl where there are nesting white-throated swifts. We observed the swifts entering and exiting two different crevices in the large rocky outcrop. Although the removal of this outcrop is planned as part of construction, this cannot occur prior to the completion of swift nesting activities. Essex Environmental recommends that the City of Oakland require DeSilva Gates (the Contractor) to obtain written confirmation from Wetlands Research Associates that nesting has been completed prior to removal of the large rocky outcrop to insure protection of the nesting swifts. Eric and I will continue to monitor this location until it is determined that the swifts have concluded nesting activities.

OUTSTANDING ITEMS:

1. The contractor needs to make the repairs/reinstallation noted above to the Alameda whipsnake protection fence so that the fence meets the specifications of the project's Special Status Species Mitigation and Monitoring Plan.
2. The contractor needs to either build a new whipsnake exclusion fence isolating the north slope work area or submit plans for approval to the City of Oakland for an alternative protection measure for Alameda whipsnake in the area of the slope repair in the lower quarry. The plans must be submitted prior to the initiation of construction activity on the North Slope in potential whipsnake habitat (refer to Environmental Inspection Report of June 9, 2004).
3. The City of Oakland and the contractor need to determine if the Alameda whipsnake fence should be reconstructed to provide an outward lean, per the Special Status Species Plan and Conditions of Approval (refer to Environmental Inspection Report of June 24, 2004).