

ENVIRONMENTAL INSPECTION REPORT City of Oakland – Leona Quarry

Date:	August 4, 2004; 8:30 a.m. – 11:15 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Overcast, approximately 65 degrees Fahrenheit, and approximately 2 to 5 mph wind.
Compliance Status:	<ul style="list-style-type: none"> • THE NON-COMPLIANCE REPORT OF JULY 16TH REMAINS UNRESOLVED AND ACTIVITIES REMAIN OUT OF COMPLIANCE WITH THE SPECIAL-STATUS SPECIES MITIGATION AND MONITORING PLAN. • NEW NON-COMPLIANCE REGARDING TREE REMOVAL AND VEGETATION CLEARING WITHOUT BIOLOGICAL SURVEYS AND MONITORING.

ACTIVITY: Whipsnake Fence Inspection

COMMENTS: Inspected the entire length of the Alameda whipsnake protection fence with Construction Monitor Eric Vance and Wildlife Biologist Dana Riggs (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 has continued to communicate the need for all of the above fence repairs to the Foreman with the Contractor (DeSilva Gates).

The slope collapse that occurred two weeks ago (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-foot wide) remains suspended in the air over the new gully. Large cracks in the earth are present 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 could soon occur and undermine a total of approximately 40 feet of fence. Last week Eric stated that he had noticed the cracks and had notified the contractor of their presence. Eric also communicated last week 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 three weeks ago (refer to Environmental Inspection Report of July 16, 2004) is still an outstanding issue that needs to be resolved. Last week the Alameda whipsnake protection fence along the bottom of the north slope repair area had been completely removed. This week a reinstalled fence was observed at this location. This reinstalled section of 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. At multiple locations this section of fence is not buried correctly, has slumped below the minimum height requirement of 24 inches, or is in need of having holes patched. Eric stated that the contractor (DeSilva Gates) continues to conduct earthmoving activities in this area.

ACTIVITY: Tree Removal and Vegetation Clearing

COMMENTS:

Non-Compliance:

While inspecting the Alameda whipsnake protection fence with Construction Monitor Eric Vance and Wildlife Biologist Dana Riggs, the contractor was observed removing trees and clearing grassy vegetation with the aid of a backhoe at the western edge of the whipsnake protection fence near I-580. Eric stated that he had not been notified of this activity, resulting in the area not being cleared for sensitive species or the activity being monitored. The project's Special Status Species Mitigation and Monitoring Plan states that for the protection of Alameda whipsnake (AWS) "Construction monitors shall supervise all initial clearing and grading of low potential habitat and potential habitat areas" and "Construction monitors shall conduct preconstruction surveys for AWS in any new areas of activity over the course of the construction period". This document also states that for special-status bats the "Biological construction monitors shall inspect trees prior to their removal for any signs of bat habitation". Eric stated that he would speak with the Foreman for the Contractor and re-emphasize the importance of communicating construction activities to insure implementation of all applicable mitigation measures.

ACTIVITY: Inspection of Ridgemont Basin

COMMENTS: Construction Monitor Eric Vance, Wildlife Biologist Dana Riggs (Wetlands Research Associates), and I inspected the Ridgemont Basin area. Dana and Eric communicated to me that the Contractor anticipates starting work in this area soon. We descended into the bowl of the basin and noted what Dana believed to be Chimes Creek. Flowing water was observed in the approximately 6-foot wide creek. The creek extended approximately 40 feet into the bowl from the rocky base of the canyon before tapering down and soaking into the earth. Dana stated to me that she believed there was an existing underground drainage system that was anticipated to be replaced by the Contractor that collected the creek water. Dana furthermore stated that she believed that this creek is outside of the project grading area.

ACTIVITY: Bird Nesting Inspection

COMMENTS: Construction Monitor Eric Vance, Wildlife Biologist Dana Riggs (Wetlands Research Associates), and I monitored the rock crevices in the large rocky outcrop between the north slope and the upper bowl where the nesting white-throated swifts have been observed. We observed no swift activity in the area. Eric stated that no swifts were observed entering the cracks in the rocky outcrop this week. Although the removal of this outcrop is planned as part of construction, this cannot occur prior to the completion of swift nesting activities. 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).