

## ENVIRONMENTAL INSPECTION REPORT City of Oakland – Leona Quarry

<b>Date:</b>	August 11, 2004; 8:30 a.m. – 11:15 a.m.
<b>Inspector:</b>	Matthew Weinand (Essex Environmental)
<b>Weather:</b>	Overcast, approximately 67degrees Fahrenheit, and approximately 5 to 10 mph wind.
<b>Compliance Status:</b>	<ul style="list-style-type: none"> <li>• THE NON-COMPLIANCE REPORT OF JULY 16<sup>TH</sup> REMAINS UNRESOLVED AND ACTIVITIES REMAIN OUT OF COMPLIANCE WITH THE SPECIAL-STATUS SPECIES MITIGATION AND MONITORING PLAN.</li> <li>• NEW NON-COMPLIANCE REGARDING TREE REMOVAL AND VEGETATION CLEARING WITHOUT BIOLOGICAL SURVEYS AND MONITORING.</li> </ul>

**ACTIVITY:** Whipsnake Fence Inspection

**COMMENTS:** Inspected the entire length of the Alameda whipsnake protection fence with Construction Monitor Eric Vance (Wetlands Research Associates). Observed that the fence had been repaired at some locations. Other sections of the fence still require repairs mentioned in last weeks report including some locations 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 three 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.

**Non-Compliance (Continuing):**

The Non-Compliance issued four weeks ago (refer to Environmental Inspection Report of July 16, 2004) is still an outstanding issue that needs to be resolved. Although some of the fence problem areas noted in last weeks report have now been repaired, the fence still has portions that are not installed correctly and remain non-compliant with the project’s Special Status Species Mitigation and Monitoring Plan. 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) did not conduct any earthmoving activities within the north slope work area this week.

**ACTIVITY:** Tree Removal and Vegetation Clearing

**COMMENTS:**

### **Non-Compliance:**

Last week Construction Monitor Eric Vance and I observed the Contractor 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. Last week Eric spoke with the Foreman for the Contractor (DeSilva Gates) and re-emphasized the importance of communicating construction activities to insure implementation of all applicable mitigation measures.

I observed this week that more vegetation had been cleared and trees removed in the location of last week's non-compliance. I asked Eric if the Contractor had notified him of these activities prior to starting work. Eric responded that they had not notified him and that on Thursday, August 5<sup>th</sup> the Contractor had again removed trees and cleared vegetation without the area being cleared for sensitive species or activities 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 bring this ongoing issue up with the Foreman for the Contractor to 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 and I discussed the Ridgemont Basin area. Eric communicated to me that the Contractor has not started any work at this location and has not determined a specific date to start work.

**ACTIVITY:** Bird Nesting Inspection

**COMMENTS:** Construction Monitor Eric Vance and I monitored the rock crevices in the large rocky outcrop between the north slope and the upper bowl where nesting white-throated swifts have been observed. Although we observed several swifts flying about the location, none of the birds entered the cracks in the rocky outcrop. Even though it appears that the swifts have concluded nesting activities, this should be confirmed and documented by Wetland Research Associates prior to the removal of the rocky outcrop.

### **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).