



## Essex Environmental, Inc.

September 7, 2005

Scott Huntsman  
Lowney Associates  
167 Filbert Street  
Oakland, CA 94607

### **Subject: Leona Quarry Herp Fence Removal**

Dear Mr. Huntsman:

Essex Environmental (Essex) has reviewed the Final Environmental Impact Report (FEIR) and the Special-Status Species Mitigation and Monitoring Plan (SSSMMP) for the Leona Quarry Project. The SSSMMP specifically addresses biological resource mitigation measures for the Alameda whipsnake (AWS); however, it does not outline timing of fence removal as it pertains to the various phases of construction.

### **REQUIREMENTS FOR THE ALAMEDA WHIPSNAKE**

The FEIR and mitigation measures imposed by the Conditions of Approval for the Leona Quarry project require that a SSSMMP outline the following requirements for protecting AWS:

- Create a barrier to any AWS movement into the Development Area and Revegetation Area prior to the onset of construction.
- Effectively educate worker personnel on the importance of special-status species awareness, caution, and protection.
- Maintain barriers around the construction footprint to prevent the movement of AWS into construction areas.
- Implement monitoring procedures to effectively handle the potential occurrence of AWS on-site during the construction period to eliminate the potential for direct harm or harassment of individual AWS.

Essex was requested to develop a recommendation as to when it will be appropriate to remove the herp fence that was installed to meet the requirements stated above. The purpose of the herp fence is to create a barrier to prevent AWS movement into the developed areas during construction to eliminate the potential for direct harm or harassment of individual AWS.

The current conditions and phases of construction are outlined below and can be found in the FEIR (Table 3). The criteria outlined in the following section describes specifically when the fence can be removed and should be applied to each section of fence occurring in the upper and lower portions of the site.

## **CURRENT CONDITIONS AND PHASES OF CONSTRUCTION**

The following describes the different phases of site preparation and development. These phases are derived from the FEIR for the Leona Quarry Project.

### **Site Preparation Phases**

#### ***Phase I: Initial Preparation***

Includes demolition and removal of existing structures and equipment, the setting up of water supply and tower for water trucks, and pioneering roads needed for required trucks and scrapers to begin grading.

#### ***Phase II: Removal and Replacement of Fills***

Involves removal of approximately 150,000 cubic yards of unconsolidated fills in the upper bowl and quarry floor to be replaced as engineering fills for the lower development pad.

#### ***Phase III: Preliminary Fill Placement/Stabilization and Subdrains***

Includes creation of fills and fill placement/stabilization, and installation of subdrains. Subdrain construction would occur prior to beginning the fill operation and would continue during cut/fill operations for the upper slope.

#### ***Phase IV: Cut and Fill Grading—Lower Area and Upper Area***

These two operations would run concurrently, with initial focus on mass grading of A Street and development pads west of A Street. Involves cut and fill required for the creation of final grades of the site, stockpiling of existing organic soils, mixing in amendments, and drilling planting holes in fill areas only. Activity would cease during the wet season, with required erosion controls provided.

#### ***Phase V: Slope Drainage***

Involves installation of concrete “V” ditches along the upper slope benches, inlet structures, and storm drain piping down to the detention pond. Work would be installed in subphases as the finished upper slopes and benches are completed.

#### ***Phase VI: Development Infrastructure***

Following the completion of the lower area grading (Phase IV), infrastructure would be installed for the lower development area and along Campus Drive. Involves excavation and installation of sanitary sewer, water, storm sewer, and all other utilities. Roadway construction would follow.

#### ***Phase VII: Revegetation***

Near completion of the upper slope, implementation of the revegetation program would begin.

### **Building Construction Phase**

Involves all work typically required for residential construction. As there may be several different housing types, peak levels of activity could involve the construction of up to 120 units concurrently under various phases of construction throughout the site. Average annual levels of activity could involve up to 60 units being constructed concurrently.

## **CURRENT CONDITIONS**

Heavy grading and movement of soil is still apparent in the upper sites. Vegetation removal may be needed in the upper southeastern corner of the project (additional parcel acquired) and drainage issues along Campus Drive still need to be addressed. Trenching, excavation, and drainage structure installation continues in the Ridgemont Basin. Other activities that could potentially threaten AWS include roadwork on main roads that have not yet been completed.

## **CONCLUSION**

Based on the risk to AWS and the intent of the mitigation requirements, the AWS fence should remain and be monitored as long as major construction activities are taking place. Fences installed for the protection of AWS can be removed when:

- roadway construction has been completed in the lower area and the maintenance roads stabilized and paved in the upper area;
- all grading is complete within 100 feet of potential AWS habitat in the upper and lower areas;
- soil has been stabilized (erosion control measures in place), and heavy equipment activity within 100 feet of potential AWS habitat has ceased;
- drainage issues in the southeastern corner of the project have been resolved;
- storm drainage basins have been installed in the upper and lower sites and the area around the Ridgemont Basin has been stabilized; and
- underground utilities installation activities are no longer anticipated within 100 feet of potential AWS habitat.

We believe that work required during the building construction phase will have no more potential effects on AWS than when the homes are occupied, so the fencing should not be a requirement during this phase. When work that involves earth disturbance and heavy equipment activity within 100 feet of potential AWS habitat is complete, then the herp fencing can be removed.

Please let me know if you have any questions.

Sincerely,



Mark Cassady  
Senior Associate