CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: February 1, 2005

RE: SUPPLEMENTAL REPORT ON THE STATUS OF LEONA QUARRY SUBDIVISION PROJECT RELATED TO COMPLIANCE WITH CONDITIONS OF APPROVAL, ENVIRONMENTAL INSPECTION REPORTS, AND DEPARTMENT OF FISH AND GAME COMMENTS REGARDING THE ENVIRONMENTAL REPORT

At the January 25, 2005 Public Works Committee meeting, staff presented an informational report on the status of compliance with conditions of approval for the Leona Quarry Development Project and staff response to letters from the Natural Heritage Institute on behalf of members of the Millsmont Homeowners' Association. Following the report, the Committee directed staff to provide the following supplemental information:

- Copies of the Environmental Inspection Reports prepared by Essex Environmental dated January 7 and January 12, 2005;
- The status of the developer's compliance with the issues raised in those reports;
- Clarification on the California Department of Fish and Game responses to the Final Environmental Impact Report and the subsequent revision to the mitigation measures for biological resources;
- A discussion of any other peer review reports and directives from the City requiring the developer to address any identified compliance issues.

Environmental Inspection Reports:

The requested Environmental Inspection Reports are included as Attachment "A". Essex Environmental is a subconsultant to Lowney Associates and is responsible for peer review of the biological monitoring required of the developer. Lowney Associates is under contract with the City of Oakland for peer review of the geotechnical and mitigation monitoring efforts on this project. The attached reports (dated January 7 and 12, 2005) identified deficiencies in the Whipsnake protective fence that were not corrected by the developer. In particular, the report dated January 7, 2005 noted that the developer was not in compliance with the biological monitoring requirements for Whipsnake habitat. The City's peer review consultant had discussed these particular deficiencies with the developer on several occasions prior to January 7. Lowney Associates transmitted these reports to the City on January 20, 2005 (see Attachment "B"). These reports were not available for inclusion in the original Informational Report to Council, which was due to the City Administrator's Office on January 6, 2005.

Status of compliance with the identified environmental issues:

Upon receipt of these latest reports noting Non-compliance, staff directed the City's resident engineer to issue a field order to the contractor to repair the deficient fence. On January 21, 2005, the resident engineer issued Field Order Number 19 to the contractor, ordering him to correct the deficiencies before January 28, 2005. The Field Order is included as Attachment "C".

On January 12, 2005, WRA, the developer's biological consultant, and Essex Environmental met at the site to discuss the best approach to correct the problems with the Whipsnake fence. The letter from the developer's consultant is included as Attachment "D". Although the letter from developer's consultant indicates the deficiencies should be corrected by February 15, 2005, staff directed the contractor to make all needed improvements by January 28, 2005, as set forth in Field Order 19, or face penalties.

Similar problems to those identified in the subject reports had been noted in previous reports. These reports are included as Attachment "E". The reports include notices of non-compliance by the peer review consultant on July 16 and 28 and August 4 and 11. A significant number of these problems were associated with grading operations on the North slope. These operations required replacement of the fence on steep areas of the slope which posed a worker safety issue. However, WRA increased its monitoring effort at the site during construction in these areas. Also, many of these problems were resolved as construction proceeded as a result of direct communication between the City's peer review consultant (Essex), the developer's environmental consultant (WRA) and the developer's field staff.

As of January 26, 2005 (the date this report was prepared) the contractor had ordered fence materials and planned to begin repairs to the fence on Thursday January 27. The contractor is expected to complete the work by Friday January 28, 2005. In the interim, observers are on site during construction activities to monitor for potential whipsnake activity. Once this work is complete, staff and the consultants will continue to monitor the site to ensure that the conditions of approval for biological and other resources are met.

The nature of the herp fence and other habitat protection measures are such that they are most effective after the initial installation but require increasingly more maintenance as construction progresses. Staff will work with City consultants and the developer to review the current MMRP relative to this issue and explore ways to make it more effective.

Department of Fish and Game Comments

Several questions were raised about the State Department of Fish and Game's (DFG) involvement with the biological monitoring requirements for this site. As a brief background, DFG submitted a letter to the City in response to the Draft EIR. Upon review of that letter, several mitigation measures were revised to incorporate their comments. In particular, more detail was provided about the requirements for the Special Status Species Mitigation and Monitoring Plan (SSSMMP -Mitigation Measure B.1).

As required by the MMRP, the SSSMMP was prepared and reviewed by a qualified biologist and peer reviewed by the City's consultant. The question has been raised about whether DFG was consulted in the preparation of this plan. Staff has contacted the plan preparer for confirmation and will have an oral report at the Council meeting. We note that this consultation was not mandated as a requirement in the MMRP.

Other peer review reports

The Environmental Inspection Reports and others related to dust monitoring, wind, soil compaction tests, daily logs of construction activities are provided to the City on a regular basis. Public Works staff has held weekly meetings with the developer, the developer's consultants, City peer review consultants and staff from other City departments since March 2004, to review these reports and the status of construction activities and to direct the developer, when necessary, to take any actions needed to meet the project's Conditions of Approval and MMRP.

Staff has issued 18 previous formal Construction Field Orders directing the contractor to address a variety of issues, most of which were related to storm water quality, mud or debris in the storm drainage system, and dust control.

Finally, a significant number of documents are produced as a part of this project. In an effort to make this information more accessible to the public, staff is planning to post the most recent peer review and associated documents on the City's website.

RECOMMENDATION AND RATIONALE

This supplemental report provides additional information to the Council regarding the Leona Quarry Subdivision Development and compliance with Project Conditions of Approval. Staff recommends that the City Council accept the supplemental report.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept the supplemental report.

Respectfully submitted,

RAUL GODINEZ II, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E.
Interim Assistant Director
Design and Construction Services Department

Prepared by:
Fuad Sweiss, P.E.
Interim Manager
Engineering Design & ROW Division

APPROVED AND FORWARDED TO THE
CITY COUNCIL:

OFFICE OF THE CITY ADMINISTRATOR

ATTACHMENT A

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	January 7, 2005; 8:45 a.m. – 10:30 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Raining, approximately 55 degrees Fahrenheit, and approximately 5 to 10 mph wind.
Compliance Status:	• NON-COMPLIANCE REGARDING VEGETATION CLEARING AND WORK WITHIN POTENTIAL ALAMEDA WHIPSNAKE HABITAT WITHOUT BIOLOGICAL MONITORING.

ACTIVITY: Whipsnake Fence and General Site Inspection

COMMENTS: Inspected portions of the Alameda whipsnake protection fence along the northwest side of the project from the west end near Hwy 580 to beyond the north slope repair area.

The majority of the deficiencies in the protective fence for Alameda whipsnakes, which were addressed in previous reports, have not been corrected, and continue to present a risk to whipsnakes. These deficiencies generally include several hundred feet of missing, collapsed, or incorrectly installed protective fence. Additional hazards include areas of mesh netting that are accessible to whipsnakes, and an area of black plastic that may attract whipsnakes and their prey.

A meeting between Jeff Dreier (WRA), Kevin Kilpatrick (Essex Environmental), and myself is scheduled for next week. This meeting will focus on the ongoing noncompliant condition of the Alameda whipsnake fence and the determination of a final compliant installation strategy.

Construction activities appeared to be restricted water quality control.

ACTIVITY: Removal of the Rocky Outcrop

COMMENTS:
Non-Compliance:
Observed that the majority of the rocky outcrop has now been removed. Access for equipment has been re-established along the talus slope below and around the rocky outcrop. Noted that rubble (small rocks to large boulders) from the removal was strewn down the talus slope. Equipment tracks were observed in the dirt and rubble where the outcrop had been removed. Some still-green vegetation was scattered amongst the ruble. This is a noncompliance situation because a biological monitor needs to be onsite during all mass grading and supervise initial clearing in potential Alameda whipsnake habitat. There would be no way to document the occurrence of take without a monitor present. Additionally, there is no whipsnake fence installed at this location to prevent the entry of species into the area. The contractor needs to contact Jeff Dreier with WRA to insure that a monitor is onsite when required by the Project's Special Status Species Mitigation and Monitoring Plan. No sensitive species were observed in the work area. Outstanding items are listed below.

OUTSTANDING ITEMS:

At this time the overall condition of the Alameda whipsnake fence is inadequate to eliminate the potential for harm or harassment to the species and noncompliant with the Project's Special Status Species Mitigation and Monitoring Plan. Multiple continuing problems as detailed in previous reports such as holes in the fence, insufficient fence height, incorrect fence lean, insufficient fence base burial depth, and large missing sections of fence occur along the entire length of the whipsnake fence.

As per the Project's Special Status Species Mitigation and Monitoring Plan, the potential for direct harm or harassment of Alameda whipsnake needs to be eliminated and fencing needs to be:

- Installed and adequately maintained around the construction footprint.
- Have a height of at least 24-inches (fabric height from ground surface) and be buried approximately 6-8 inches below the ground surface.
- Angled outward away from the construction zone.

In order to meet project requirements and protect the Alameda whipsnake, a continuous and unbroken line of fence needs to be properly installed. The fence should extend from the dirt access road parallel to Hwy 580, along the outer edge of the construction footprint, including the north slope repair area, up to where the rocky outcrop once was. As stated above, a meeting is scheduled for next week that will determine a final compliant installation strategy.

ATTACHMENT A

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	January 12, 2005; 8:00 a.m. – 10:45 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Partly cloudy, approximately 55 degrees Fahrenheit, and approximately 0 to 5 mph wind.

ACTIVITY: Meeting and Coordination

COMMENTS: A meeting onsite between Jeff Dreier (WRA), Kevin Kilpatrick (Essex Environmental), and myself occurred. Jeff will be taking over WRA's responsibilities from Dana Riggs. Provided a general site orientation and discussed biological issues including the ongoing noncompliant condition of the Alameda whipsnake fence. Jeff agreed that a continuous and unbroken line of fence should be properly installed to protect the Alameda whipsnake. Jeff stated that he intends to set up a meeting with the Contractor to discuss scheduled construction activities and determine a final compliant fence installation strategy and alignment.

ACTIVITY: Whipsnake Fence and General Site Inspection

COMMENTS: Inspected portions of the Alameda whipsnake protection fence with Jeff Dreier (WRA) and Kevin Kilpatrick (Essex Environmental) along the northwest side of the project from the west end near Hwy 580 to beyond the north slope repair area.

The majority of the deficiencies in the protective fence for Alameda whipsnakes, which were addressed in previous reports, have not been corrected, and continue to present a risk to whipsnakes. These deficiencies generally include several hundred feet of missing, collapsed, or incorrectly installed protective fence. Additional hazards include areas of mesh netting that are accessible to whipsnakes, and an area of black plastic that may attract whipsnakes and their prey.

Construction activities appeared to be restricted to water quality control and grading. No sensitive species were observed in the work area. Outstanding items are listed below.

OUTSTANDING ITEMS:

At this time the overall condition of the Alameda whipsnake fence is inadequate to eliminate the potential for harm or harassment to the species and noncompliant with the Project's Special Status Species Mitigation and Monitoring Plan. Multiple continuing problems as detailed in previous reports such as holes in the fence, insufficient fence height, incorrect fence lean, insufficient fence base burial depth, and large missing sections of fence occur along the entire length of the whipsnake fence.

As per the Project's Special Status Species Mitigation and Monitoring Plan, the potential for direct harm or harassment of Alameda whipsnake needs to be eliminated and fencing needs to be:

- Installed and adequately maintained around the construction footprint.

- Have a height of at least 24-inches (fabric height from ground surface) and be buried approximately 6-8 inches below the ground surface.

- Angled outward away from the construction zone.

In order to meet project requirements and protect the Alameda whipsnake, a continuous and unbroken line of fence should to be properly installed. The fence should extend from the dirt access road parallel to Hwy 580, along the outer edge of the construction footprint, including the north slope repair area, up to where the rocky outcrop once was. As stated above, Jeff Dreier (WRA) intends to set up a meeting with the Contractor to discuss scheduled construction activities and determine a final compliant fence installation strategy and alignment.

ATTACHMENT B

Uzegbu, Marcel

From: Scott Huntsman [shuntsman@lowney.com]
Sent: Thursday, January 20, 2005 10:17 AM
To: Marcel Uzegbu (E-mail)
Cc: Kent Peyton (E-mail); mcassady@essexenv.com
Subject: Leona Environmental compliance

Essex met onsite with WRA on January 12, 2005 to discuss the outstanding issues regarding the HERP fence. We are expecting a submission from DeSilva / WRA regarding their plans for bringing the fence back into compliance with the Special Status Species Mitigation and Monitoring Plan or requesting a modification to the plan requirements.

Also, DeSilva is reminded that WRA needs to provide environmental clearance before grading in new areas, such as the "rock knob" area, and the "main slope".

Please see attached reports.

Sincerely,

Scott R. Huntsman, Ph.D., G.E., CPESC
Associate / Area Manager
Lowney Associates
510-267-1970 x 211

To learn more about us: www.lowney.com

Oakland | Mountain View | San Ramon | Fullerton | Fairfield | Las Vegas

ATTACHMENT C

CITY OF OAKLAND

CONSTRUCTION & FIELD SERVICES * 250 FRANK OGAWA PLAZA, SUITE 4344 * OAKLAND, CALIFORNIA 94612-2033

Public Works Agency

(510) 238-3051
FAX: (510) 238-6633
TDD: 839-6451

FIELD ORDER No. 19

Date: 1-21-05

To: DeSilva Gates

Attn: Kent Peyton & Peter Helseth

Refer: Conditions of Approval B. Biological Resources
Environmental Inspection Report dated January 7 & 12, 2005

The B1a mitigation measure states that construction activities may harm Alameda Whip Snakes.

Description of Instruction:

1. Restore the damaged/missing herb fence to ensure Alameda Whip Snakes do not stray in construction areas from the access road parallel to Freeway 580 up to the northern slope rock knob area.
2. Deadline completion no later than 1-28-05 or be subject to non-compliance penalty.

Jun Osalbo

Resident Engineer

wra
ENVIRONMENTAL CONSULTANTS

January 21, 2005

Kent Payton
DeSilva Gates Construction
11555 Dublin Boulevard
P.O. Box 2909
Dublin, California 94568-2909

ATTACHMENT D

RE: **Leona Quarry Biological Monitoring**

Dear Kent:

On January 12, 2005, WRA conducted a site visit with Essex biologists at Leona Quarry to discuss compliance with the Special Status Species Mitigation and Monitoring Plan (SSSMP), and to determine those actions that should be completed prior to resuming large-scale operations this spring. It was agreed that the following actions should be taken:

- If any vegetation, including trees, are to be removed, it is recommended that they be removed prior to March 1, 2005. This would avoid significant delays if nesting birds were later found in the vegetation to be removed. This is especially true in the Ridgemont basin area.

- Any initial ground disturbance within a potential whipsnake habitat area will require the inspection and clearance by a biological monitor per SSSMP Section I.C.

- Where possible, the whipsnake barrier (herp) fence should be located as close to the edge of the expected disturbance area. This would greatly reduce the need for repairs caused by construction equipment and other activities.

- The integrity of portions of the herp fence should be improved by angling it outward, away from the construction zone, with the top of the fence at least 24 inches from the ground. This would meet the requirements set forth in SSSMP Section I.B. When new fencing is installed, or major repairs are required, the fence should be constructed to meet this requirement.

- Additional herp fence is required along the emergency access road adjacent to I-580, along the north slope, and near the former rock outcrop area. These areas are adjacent to potential whipsnake habitat.

- Herp fence maintenance and installation should be completed by February 15.

2169-G East Francisco Blvd., San Rafael, CA 94901 (415) 454-8868 tel (415) 454-0129 fax info@wra-ca.com www.wra-ca.com

- When the black plastic erosion-control material on the north slope is scheduled for removal, a biological monitor should be present. This material may have created cover for the whipsnake.

Possible delays and associated costs can be avoided by implementing these measures. It is important that the construction schedule be made available to WRA to allow scheduling of the biological monitor when necessary.

Please call if you have any questions regarding these measures, or would like to schedule a meeting at the site to discuss herp fence locations and design.

Sincerely,

Jeff Dreier
Senior Associate Wildlife Ecologist

cc: David Chapman

ATTACHMENT E

ENVIRONMENTAL INSPECTION REPORT

Project:	City of Oakland's Leona Quarry	**Inspector:**	Kevin Kilpatrick
Date:	May 18, 2004	**Weather:**	Clear, approximately 75 degrees Fahrenheit, and approximately 2 to10 mph wind

Time	Activity	Comments
1:30 pm to 2:30 pm	Grading	Inspected grading operations in the Lower Development Area. with project monitor Eric Vance (Wetlands Research Associates). The contractor's grading equipment and other vehicles appeared to be operating within the project speed limits of 15 mph. Water trucks were operating frequently along the path of the graders and kept the ground sufficiently watered to prevent any visible fugitive dust from being created by moving equipment. The monitor was on site all day during grading to monitor for whipsnakes.
2:30 pm to 3:30 pm	Whipsnake fence inspection	Inspected sections of the whipsnake fence (specifically, the northern portion of the Lower Development Area) with wildlife biologist Dana Riggs (Wetlands Research Associates) and project monitor Eric Vance. The fence was sufficiently buried to prevent whipsnakes from burrowing underneath, and the adjoining sections were tightly abutted to prevent a whipsnake from crawling between fence sections. The monitor reportedly inspects the condition of the fence at least once weekly and has the contractor (DiSilva Gates) make repairs as necessary.
3:30 pm to 4:00 pm	General discussion	Continued monitoring the grading operations in the Lower Development Area while discussing the location of bird nests and bat roost sites in the area with the WRA monitors. Also, we discussed plans for the restoration of the north wall with Peter Helseth (engineer with DeSilva Gates).

ENVIRONMENTAL INSPECTION REPORT

Project:	City of Oakland's Leona Quarry	**Inspector:**	Kevin Kilpatrick
Date:	June 4, 2004	**Weather:**	Clear, approximately 70 degrees Fahrenheit, and approximately 2 to10 mph wind

Time	Activity	Comments
2:00 pm to 3:30 pm	Whipsnake fence inspection	Inspected the condition of the entire whipsnake fence in the Lower Development Area. The fence was generally in good condition, but I found a few areas in need of maintenance. Left a phone message with the project monitor Eric Vance (Wetlands Research Associates) to notify him of the maintenance issues.
3:30 pm to 4:00 pm	Grading	Inspected grading operations in the Lower Development Area. Walked along the path of the grading road to look for wildlife. I did not observe any wildlife in the project area (except for birds which were sufficiently mobile to avoid moving equipment). The contractor's grading equipment and other vehicles were operating within the project speed limits of 15 mph. Water trucks watered the project roads and were preventing excessive dust from being created by moving equipment.

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	June 9, 2004; 10:00 a.m. to 12:00 p.m.
Inspector:	Kevin Kilpatrick
Weather:	Clear, approximately 75 degrees Fahrenheit, and approximately 2 to 5 mph wind

ACTIVITY: Whipsnake Fence Inspection

COMMENTS: Met with Construction Monitor Eric Vance (Wetlands Research Associates). We inspected the condition of the whipsnake fence in the Lower Development Area and discussed maintenance issues that need to be performed on the fence. Deficiencies included a few areas that did not meet the 24-inch height requirement, and a few areas where the bottom of the fence was not buried by at least 6 inches of soil. Also, we were informed by a DeSilva Gates Construction foreman (Clayton) that a section of the whipsnake fence on the southwestern end of the project that is currently placed across an access road is blocking access for the Oakland Fire Department. The fire department is requiring that the road stay open. Since removal of the fence would leave an open gap in potential whipsnake habitat I told Eric that the contractor needs to determine an alternative protection measure and seek approval from the City of Oakland. The area is located near the southwest corner of the site adjacent to Highway 580. I suggested that as an alternative, they consider extending the fence parallel to the access road (away from the construction area) for several hundred feet.

ACTIVITY: Pothole work on the North Slope

COMMENTS: Pothole excavation work was conducted this week on the North Slope, in the Lower Development Area, up to the border of the potential whipsnake habitat. The pothole work caused loose soil to move down the slope, which damaged the whipsnake fence. Eric was on site to monitor for whipsnakes and said that the fence was repaired after the work was completed.

The contractor has told Eric that when work proceeds up the north slope they will be unable to install whipsnake protection fencing around the entire area (due to safety concerns). I told Eric that if the fence cannot be installed, then they would need to determine an alternative protection measure for whipsnakes and seek approval from the City of Oakland before proceeding with the activity.

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	June 18, 2004; 10:15 a.m. – 12:15 p.m.
Inspector:	Kevin Kilpatrick
Weather:	Sunny, approximately 65 degrees Fahrenheit, and approximately 5 to 10 mph wind.

ACTIVITY: Whipsnake Replacement Fence Inspection

COMMENTS: The contractor is relocating the Alameda whipsnake protection fence to provide room for additional grading. The fence that is being moved is located on the north side of the project. Nearly the entire fence is being moved north by 10 to 35 feet (toward the potential whipsnake habitat). I inspected approximately 200 feet of fence that had been replaced, and discussed some areas where the fence does not meet the specifications described in the Special Status Species Plan.

I met Construction Monitor Eric Vance (Wetlands Research Associates) at the project site and we discussed the Special Status Species Plan, which includes the following description for construction of the whipsnake fence:

> "The barrier fence shall be installed so that it is angled outward, away from the construction zone. It will be a minimum of 24 inches tall. Support stakes for the fence shall be placed on the inside of the fence to eliminate potential areas where the snakes may climb over the fence. The fence shall be buried approximately 6-8 inches below the ground surface."

The fence generally met these requirements with one discrepancy: the fence posts are generally driven straight into the ground, and not angled outward, away from the construction zone. Eric explained that the reason they are putting the fence posts straight into the ground, is because the fence is located on a slope and if they angled the fence away from construction (toward the slope) it would cause the fence to be closer than 24-inches to the ground.

The intention of the outward lean is to discourage whipsnakes (which are agile tree climbers) from being able to climb up and over the fence. One way to correct this issue is to use a taller fence material, such as 48-inch fence, which would allow the fence to have an outward lean while remaining at least 24-inches from the ground. I also discussed this concern with biologist Dana Riggs (Wetlands Research Associates), who in turn discussed this with construction engineer Peter Helseth (DeSilva Gates). Peter told Dana that it would take approximately three weeks to obtain a taller fence material, however, if the City would prefer, he could construct a height extension to the new fence (while leaving the stakes in the straight orientation). Although it is difficult to determine the significance of this shortcoming on the specifications, it could develop into a significant problem if a whipsnake were taken within the construction zone.

I recommend that this issue be discussed with the City of Oakland as to how they would like the contractor to resolve this discrepancy.

I also noted to Eric that there was one area where a small gap needed to be closed between two sections of fence. He said he would have the crew make the repair. Otherwise, the fence met the specifications of being sufficiently buried and at least 24-inches tall. The fence replacement work will take place over approximately the next three working days (estimated completion date Monday June 28).

Once the fence is relocated, the contractor (DeSilva Gates) will proceed with clearing and grading. I discussed with Eric that prior to grading, the contractor conduct vegetation removal according to the Special Status Species Plan with the biologist closely monitoring the work. Eric confirmed that he would be onsite to monitor for whipsnakes during vegetation removal. He also said that they might need to remove a tree, which has already been marked by the arborist for approved removal. Eric will check for bird nests prior to removal.

OUTSTANDING ITEMS:

1. The contractor needs to submit plans for approval to the City of Oakland for an alternative protection measure for Alameda whipsnake. The plans must be submitted prior to the construction activity on the north slope repair area in potential whipsnake habitat.

2. Determine if the Alameda whipsnake fence should be reconstructed with new materials to provide a definite outward lean.

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	July 1, 2004; 12:30 p.m. – 2:00 p.m.
Inspector:	Kevin Kilpatrick
Weather:	Partly cloudy, approximately 68 degrees Fahrenheit, and approximately 5 to 10 mph wind.

ACTIVITY: Whipsnake Replacement Fence Inspection

COMMENTS: I inspected the reconstructed Alameda whipsnake fence, which was relocated last week to provide room for additional grading. I reviewed the site with Construction Monitor Eric Vance (Wetlands Research Associates) and we discovered a few small holes in the fence that need to be repaired (i.e., sealed closed). Eric and I also discussed extending one end of the fence (on the east side) approximately 50 feet to terminate on a cliff face, instead of a moderate slope. The fence currently extends to the end of the whipsnake habitat and terminates on a moderate slope. Because there is a possibility for whipsnakes to get around the fence at this point I recommended that the fence terminate on the cliff face, which would make it less likely to be circumvented.

Other issues regarding the reconstruction of the whipsnake fence is covered in the Environmental Inspection Report from June 24 and noted below in outstanding issues.

ACTIVITY: Bird Nesting Inspection

White throated swifts were observed still occupying a nest site in a rock crevice on the northern perimeter of the lower quarry. The contractor (DeSilva Gates) is continuing to grade the slope in the lower quarry and is avoiding work in the bird nesting areas.

OUTSTANDING ITEMS:

1. The contractor needs to 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, 2003).

2. 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, 2003).

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	July 9, 2004; 8:00 a.m. – 10:00 a.m.
Inspector:	Kevin Kilpatrick
Weather:	Partly cloudy, approximately 61 degrees Fahrenheit, and approximately 5 to 10 mph wind.

ACTIVITY: Whipsnake Replacement Fence Inspection

COMMENTS: The items noted during last week's fence inspection were repaired. The small holes in the fence were sealed off. Also, the end of the fence was extended to terminate on a cliff face, instead of the moderate slope where it had ended previously.

ACTIVITY: Bird Nesting Inspection

I joined construction Monitor Eric Vance (Wetlands Research Associates) and biologist David Cowell (Wetlands Research Associates) in a bird nesting status check in the project area. Bird nesting activity appears to be tapering off, and some species (such as Lazuli buntings) have apparently left the site. The biologists, however, have determined that several species may still be concluding breeding in the chaparral scrub in the upper quarry. Also, we monitored the rock crevice on the northern perimeter of the lower quarry where there are nesting white throated swifts. No swifts were observed, however, Eric reported seeing them during the week. He will continue to monitor the site until they have concluded that the swifts have left the nest. The contractor (DeSilva Gates) is continuing to grade the slope in the lower quarry and is avoiding work in the bird nesting areas.

OUTSTANDING ITEMS:

1. The contractor needs to either build a whipsnake exclusion fence 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, 2003).

2. 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, 2003).

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	July 16, 2004; 12:00 p.m. – 2:00 p.m.
Inspector:	Kevin Kilpatrick
Weather:	Partly cloudy, approximately 70 to 75 degrees Fahrenheit, and approximately 5 to 10 mph wind.
Compliance Status:	NON-COMPLIANCE WITH THE SPECIAL-STATUS SPECIES MITIGATION AND MONITORING PLAN

ACTIVITY: North Slope Repair Area/Whipsnake Fence Inspection

COMMENTS: The contractor (DeSilva Gates) conducted ground clearing and earthmoving activities during the week at the North Slope repair area. Ground disturbance occurred in an area approximately 100 feet long by approximately 20 feet high in potential habitat for Alameda whipsnake. The work was conducted in a manner that is inconsistent with Mitigation Measure 1.B. in the Special-Status Species Mitigation and Monitoring Plan (Plan) for the protection of Alameda whipsnakes.

The Plan generally requires the following steps:

1. A qualified wildlife biologist/biological monitor examine any mapped potential habitat, carefully probing and hand-excavating all burrows and rock outcrops in the construction footprint/Restored Slope Area.

2. Crews remove vegetation from the work area by hand or with equipment that can pull out vegetation from above (such as a clamshell bucket). The vegetation should be removed down to its base. The biologist should then reinspect the area for whipsnakes, burrows, and outcrops that may have been hidden by the thick brush.

3. The contractor should then install a barrier fence that is a minimum of 24 inches tall with support stakes placed on the inside of the fence to eliminate potential areas where the snakes may climb over the fence. The fence should be buried approximately 6-8 inches below the ground surface and the fence should be angled outward, away from the construction zone.

I spoke with biological monitor Eric Vance (Wetlands Research Associates) regarding the work. He told me that he did step 1 (a thorough search in the vegetation prior to the earthwork) but that the vegetation was removed along with the soil by an excavator that would essentially scrape away the soil and vegetation in two-foot-long passes. Although Eric is monitoring the excavation, there is no second examination to find and excavate existing burrows. Additionally, the whipsnake fence that was in place is at the bottom of the slope was removed to allow equipment conduct the work, and was then replaced in a temporary manner that does not meet

the protection specifications. At the end of the day, the fence was stretched across a road and weighted down with rocks spaced every few feet. It would be possible for a whipsnake to climb either under or over the temporary fence and into the general construction area.

The measures that are being taken are not in compliance with the mitigation plan, and to our knowledge, no alternate plan has been approved by the City of Oakland to prevent take of whipsnakes in this area. I talked with Dana Riggs of Wetlands Research Associates and strongly recommended that they and/or the contractor discuss this issue with the City of Oakland. The mitigation measures either need to be followed as outlined in the Plan, or alternate mitigation plans need to be approved by the City.

OUTSTANDING ITEMS:

1. The contractor needs to either build a whipsnake exclusion fence 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, 2003).

2. 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, 2003).

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	July 21, 2004; 8:30 a.m. – 11:00 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Sunny, approximately 75 degrees Fahrenheit, and approximately 2 to 5 mph wind.

ACTIVITY: Whipsnake Fence Inspection

COMMENTS: Inspected the entire length of the Alameda whipsnake protection fence with Construction Monitor Eric Vance (Wetlands Research Associates). Noted and discussed necessary fence repairs with Eric such as areas where the exclusion fence was not buried correctly or had pulled out of the ground, had slumped below the minimum height requirement of 24 inches, was in close proximity to felled vegetation (possibly allowing a whipsnake to climb and drop over), or was 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).

Below the large rocky outcrop between the north slope and the upper bowl a recent slope collapse had occurred (approx 8-feet wide) which has left the fence suspended in the air over the newly resulting gully. Eric communicated to a laborer with the contractor (DeSilva Gates) that the fence undermined by the slope collapse be reinstalled upslope of the new gully.

The Non-Compliance issued last week (refer to Environmental Inspection Report of July 16, 2004) states that "the whipsnake fence that was in place at the bottom of the slope was removed to allow equipment conduct the work, and was then replaced in a temporary manner that does not meet the protection specifications. At the end of the day, the fence was stretched across a road and weighted down with rocks spaced every few feet. It would be possible for a whipsnake to climb either under or over the temporary fence and into the general construction area." Although the construction strategy for this location may still be undetermined at this time, the condition of this fence has not changed, and Essex recommends that this section of fence be immediately reinstalled as required by the project's Special Status Species Mitigation and Monitoring Plan.

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).

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 16TH 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).

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:	• 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-feet 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).

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	August 11, 2004; 8:30 a.m. – 11:15 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Overcast, approximately 67degrees Fahrenheit, and approximately 5 to 10 mph wind.
Compliance Status:	• 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 (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 5th 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).

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	August 19, 2004; 8:30 a.m. – 11:15 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Overcast, approximately 67degrees Fahrenheit, and approximately 2 to 5 mph wind.

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 started to repair the fence himself in addition to communicating the need for ongoing maintenance and fence repairs to the Foreman with the Contractor (DeSilva Gates).

Observed that approximately 200 feet of new Alameda whipsnake protection fencing has been reinstalled above the area of slope collapse that occurred four weeks ago below the large rocky outcrop between the north slope and the upper bowl (refer to Environmental Inspection Report of July 21, 2004). Inspected the new section of fence and pointed out to Eric a few areas that needed to be adjusted to meet the conditions of the project's Special Status Species Mitigation and Monitoring Plan. Other than these small issues and the ongoing project-wide problem of fencing being angled outward away from the construction zone, the fence was properly installed.

At the north slope repair area some portions of the fence have now been repaired, although the fence still has portions that are not installed correctly. 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. The contractor should diligently continue repairs to the fence as a precaution to species entering into work areas. Eric stated that the Contractor (DeSilva Gates) did not conduct any earthmoving activities within the north slope work area this week.

ACTIVITY: Inspection of Ridgemont Basin

COMMENTS: Construction Monitor Eric Vance and I inspected and discussed the Ridgemont Basin area. Observed that the creek located in the basin continued to have running water present (refer to Environmental Inspection Report of August 6, 2004). 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: Nesting Bird Inspection

COMMENTS: Construction Monitor Eric Vance and I observed the rock crevices in the large rocky outcrop between the north slope and the upper bowl where nesting white-throated swifts have been observed. No swifts were observed. 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 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).

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	August 26, 2004; 8:30 a.m. – 11:00 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Sunny, approximately 70 degrees Fahrenheit, and approximately 2 to 5 mph wind.

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 ongoing repairs 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 and I repaired a 10-foot long section of fence where the fabric had pulled out of the ground due to an upslope buildup of soil against the fence and the steep slope in the area. In addition to repairing sections of the fence, Eric has continued to communicate the need for ongoing maintenance and fence repairs to the Foreman with the Contractor (DeSilva Gates).

Fence repairs were observed at the north slope repair area at two locations. New fence supports had been crafted out of cinder blocks and a section of metal pole fixed with concrete. These supports were utilized to both anchor and support the fence where construction traffic has been crossing to the other side of the fence. These two "gates" were previously slumped over sections of fence that were anchored with rocks and debris. Although these repairs are an improvement, the condition of the fence at the north slope repair area could still allow entry of sensitive species into the general work area. At multiple locations the fence is not buried correctly or is in need of having holes patched. The contractor should diligently continue repairs to the fence as a precaution to species entering into work areas.

ACTIVITY: Discussion of Ridgemont Basin

COMMENTS: Construction Monitor Eric Vance and I discussed the construction schedule for the Ridgemont Basin area. Eric communicated to me that the Contractor has not started any work at this location.

ACTIVITY: Nesting Bird Inspection

COMMENTS: Construction Monitor Eric Vance and I observed the rock crevices in the large rocky outcrop between the north slope and the upper bowl where nesting white-throated swifts were previously observed. No swifts were observed. Although 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 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).

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	September 3, 2004; 8:30 a.m. – 10:15 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Sunny, approximately 70 degrees Fahrenheit, and approximately 2 to 5 mph wind.

ACTIVITY: Whipsnake Fence Inspection

COMMENTS: Inspected the entire length of the Alameda whipsnake protection fence. Observed that the fence still requires ongoing repairs 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.

Observed graders accessing the area behind the fence at the north slope repair area today. The graders were passing through one of the "gates" (refer to Environmental Inspection Report of August 26, 2004) and through a new break in the fence at the opposite end of the area.

The condition of the fence at the north slope repair area could still allow entry of sensitive species into the general work area. At multiple locations the fence is not buried correctly or is in need of having holes patched. The contractor should diligently continue repairs to the fence as a precaution to species entering into work areas.

ACTIVITY: Inspection of the Ridgemont Basin and Large Rocky Outcrop

COMMENTS: Observed flowing water in the creek within the Ridgemont Basin. Observed several white-throated swifts flying about the Ridgemont Basin and large rocky outcrop areas. None of the birds were observed entering any rock cracks and appeared to be foraging. Although 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 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).

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	September 9, 2004; 8:30 a.m. – 11:30 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Sunny, approximately 70 degrees Fahrenheit, and approximately 2 to 5 mph wind.

ACTIVITY: Whipsnake Fence Inspection

COMMENTS: Inspected the entire length of the Alameda whipsnake protection fence with Construction Monitor Eric Vance (Wetlands Research Associates). Sections of the fence still require ongoing repairs 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. The contractor should diligently continue repairs to the fence as a precaution to species entering into work areas. Eric continues to communicate the need for ongoing maintenance and fence repairs to the Foreman with the Contractor (DeSilva Gates).

Observed graders accessing the area behind the fence at the north slope repair area today. The graders were passing through one of the "gates" (refer to Environmental Inspection Report of August 26, 2004) and through a break in the fence at the opposite end of the area. Eric stated that he has continued to survey this area behind the fence where the graders are driving through for species prior to access by equipment.

ACTIVITY: Alameda Whipsnake Survey in the Large Rocky Outcrop Area
COMMENTS: The Contractor plans to remove the large rocky outcrop this weekend pending approval from the City of Oakland. In anticipation of this work, Eric began to survey potential habitat in proximity of the large rocky outcrop for Alameda whipsnake. The survey area was traversed on foot and I assisted Eric in carefully probing and hand-excavating burrows and rock outcrops in the area, in addition to examining vegetation for sheltering snakes. No Alameda whipsnakes were observed. Eric stated that the survey of the area would likely continue for the remainder of Thursday through Friday.

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 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).

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	September 15, 2004; 8:30 a.m. – 11:00 a.m.
Inspector:	Mark Cassady (Essex Environmental)
Weather:	Sunny, approximately 70 degrees Fahrenheit, and approximately 2 to 5 mph wind.

ACTIVITY: Whipsnake Fence Inspection

COMMENTS: Inspected the entire length of the Alameda whipsnake protection fence along the north side from the west end near Hwy 580 to beyond the north slope excavation area. The first section of fence from Hwy 580 to the north slope excavation area is in good shape with only a few minor holes near the base, easily covered with rock or soil. The fence is absent at the north slope area and there was no work going on here other than scrapers using the road at the base of the slope to access cut and fill locations on either side. In accordance with a letter from De Silva Gates, dated July 26, the gates allowing scraper access through the fence are to be reinstalled at the end of each workday.

The fence east of the north slope area was also in pretty good shape although it had more holes, particularly where sticks have been poked through to help keep it upright. These should be patched with duct tape or other suitable means. The fence no longer exists at the location where the rock outcrop had been removed. This area now consists of a talus slope and is not suitable for fencing. De Silva Gates requested an exemption from the fencing requirement, dated July 26, which we have been told received verbal approval from the City of Oakland.

No sensitive species were observed in the work area. White-throated swifts were abundant at the north slope area, apparently investigating the cut slope for possible future nesting locations. This may be as a result of the removal of the rocky outcrop that was previously used for nesting.

OUTSTANDING ITEMS:

1. The Contractor needs to make patch holes as needed to the Alameda whipsnake fence and ensure that it has an outward lean or is tall enough to preclude snakes from easily getting over the top.

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	November 4, 2004; 8:30 a.m. – 11:15 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Overcast, approximately 65 degrees Fahrenheit, and approximately 5 to 10 mph wind.

ACTIVITY: Whipsnake Fence Inspection

COMMENTS: Inspected with Dana Riggs (Wildlife Biologist-Wetland Research Associates) the entire length of the Alameda whipsnake protection fence along the north side of the project from the west end near Hwy 580 to beyond the north slope repair area.

The first section of fence from Hwy 580 to the western edge of the north slope repair area is in good shape with only a few minor holes near the base, easily covered with rock or soil or patched with duct tape or other suitable means. This section of the fence terminates at the western edge of the north slope repair area. The last approximately 30-foot long section of fence terminating at the north slope repair area has collapsed and should be repaired. The fence is absent within the north slope repair area. The only work observed at this location was a backhoe at the base of the slope moving earth and installing what appeared to be part of the site's utility/drainage system.

The fence section east of the north slope repair area was also in pretty good shape although it had more holes, some of which were blocked by sticks being placed into the holes. All holes should be patched with duct tape or other suitable means. An approximately 10-foot long portion of the fence has collapsed and requires repair where it crosses over the top of a metal drainage pipe. The west and eastern edges of this section of fence should also be extended. On the western edge, the fence ends near the top of a ledge. Fencing should exclude more habitat at this location by either extending down the ledge and up the dirt road or along the dirt road so as to create an effective parallel overlap of the fence. At the eastern end, the fence should be extended across the talus slope to the base of the rocky outcrop. Fencing was taken out at this location to facilitate the removal of the rocky outcrop, but at this time the majority of this feature remains intact. Although substantial clearing around the rocky outcrop has surrounded this feature with steep loose talus slopes, fencing should be reinstalled at this location until removal of the rocky outcrop resumes.

Specific necessary repairs noted above include:

- West of the north slope repair area, the last approximately 30-foot long section of fence terminating at the west edge of the north slope repair area has collapsed and should be repaired.
- East of the north slope repair area, an approximately 10-foot long portion of the fence has collapsed and requires repair where it crosses over the top of a metal drainage pipe.

- East of the north slope repair area, the western edge of the fence ends near the top of a ledge. Fencing should exclude more habitat at this location by either extending down the ledge and up the dirt road or along the dirt road so as to create an effective parallel overlap with the existing fence.

- East of the north slope repair area, at the eastern end of the fence, the fence should be extended across the talus slope to the base of the rocky outcrop.

No sensitive species were observed in the work area. No white-throated swifts were noted during this site inspection.

Construction activities noted at the site during inspection included installation of what appeared to be the site's utility/drainage system, laying road base, and installation of erosion and sediment controls at multiple locations. Although no scrapers were in use at the time of inspection, other equipment in use at the site included backhoes, loaders, water trucks, cranes, and multiple pickup trucks.

OUTSTANDING ITEMS:

1. The Contractor needs to make patch holes as needed to the Alameda whipsnake fence and ensure that it has an outward lean or is tall enough to preclude snakes from easily getting over the top.

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	November 12, 2004; 8:30 a.m. – 10:30 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Sunny, approximately 65 degrees Fahrenheit, and approximately 0 to 5 mph wind.

ACTIVITY: Whipsnake Fence Inspection

COMMENTS: Inspected the entire length of the Alameda whipsnake protection fence along the north side of the project from the west end near Hwy 580 to beyond the north slope repair area. The overall condition of the fence has not changed since last weeks site inspection. None of the necessary fence repairs noted last week (refer to Environmental Inspection Report of November 4, 2004) have been made. These repairs are summarized and included in the outstanding items below.

Construction activities noted at the site during inspection included installation of what appeared to be the site's utility/drainage system, pouring concrete, mulching, hydroseeding, and minimal grading. Equipment in use at the time of the site inspection included backhoes, loaders, water trucks, concrete trucks, a hydroseeding and a mulching truck, multiple pickup trucks, and minor grader use. No sensitive species were observed in the work area. No white-throated swifts were noted during this site inspection.

OUTSTANDING ITEMS:

1. The Contractor needs to patch holes as needed to the Alameda whipsnake fence and ensure that it has an outward lean or is tall enough to preclude snakes from easily getting over the top.

2. The Contractor needs to make the following repairs to the Alameda whipsnake fence:

   - West of the north slope repair area, the last approximately 30-foot long section of fence terminating at the west edge of the north slope repair area has collapsed and should be repaired.

   - East of the north slope repair area, some of the fencing is now falling over or has already completely collapsed and requires repair. This compromised section of fence is located in the proximity of a metal drainage pipe.

   - East of the north slope repair area, the western edge of the fence ends near the top of a ledge. Fencing should exclude more habitat at this location by either extending down the ledge and up the dirt road or along the dirt road so as to create an effective parallel overlap with the existing fence.

   - East of the north slope repair area, at the eastern end of the fence, the fence should be extended across the talus slope to the base of the rocky outcrop.

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	November 18, 2004; 8:30 a.m. – 10:30 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Sunny, approximately 65 degrees Fahrenheit, and approximately 0 to 5 mph wind.

ACTIVITY: Whipsnake Fence Inspection

COMMENTS: Inspected the entire length of the Alameda whipsnake protection fence along the north side of the project from the west end near Hwy 580 to beyond the north slope repair area. Observed that many of the small holes in the fence had been repaired with duck tape. Holes in the fence have been an outstanding maintenance issue and will continue to require regular ongoing repair. Outstanding issues also include portions of the fence that are falling over, have completely collapsed, or need to be extended (refer to Environmental Inspection Report of November 4, 2004). Outstanding items are listed below.

Construction activities noted at the site during inspection today included installation of what appeared to be the site's utility/drainage system and minimal grading. A backhoe was also observed working on the uppermost ridge of the quarry. I contacted Dana Riggs (Wetland Research Associates) and confirmed with her that the location the backhoe was working was not within potential whipsnake habitat. Dana also spoke with Peter Helseth (DeSilva Gates) who stated that the backhoe on the ridge was performing some light soil pit digging. Equipment in use throughout the site at the time of inspection included backhoes, bulldozers, and multiple pickup trucks. No sensitive species were observed in the work area. No white-throated swifts were noted during this site inspection.

OUTSTANDING ITEMS:

1. The Contractor needs to patch holes as needed to the Alameda whipsnake fence and ensure that it has an outward lean or is tall enough to preclude snakes from easily getting over the top.

2. The Contractor needs to make the following repairs to the Alameda whipsnake fence:

   - West of the north slope repair area, the last approximately 30-foot long section of fence terminating at the west edge of the north slope repair area has collapsed and should be repaired.

   - East of the north slope repair area, some of the fencing is now falling over or has already completely collapsed and requires repair. This compromised section of fence is located in the proximity of a metal drainage pipe.

- East of the north slope repair area, the western edge of the fence ends near the top of a ledge. Fencing should exclude more habitat at this location by either extending down the ledge and up the dirt road or along the dirt road so as to create an effective parallel overlap with the existing fence.

- East of the north slope repair area, at the eastern end of the fence, the fence should be extended across the talus slope to the base of the rocky outcrop.

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	November 24, 2004; 8:30 a.m. – 10:00 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Sunny, approximately 65 degrees Fahrenheit, and approximately 0 to 5 mph wind.

ACTIVITY: Whipsnake Fence Inspection

COMMENTS: Inspected the entire length of the Alameda whipsnake protection fence along the north side of the project from the west end near Hwy 580 to beyond the north slope repair area. Continuing outstanding issues with the fence include portions of the fence that are falling over, have completely collapsed, or need to be extended (refer to Environmental Inspection Report of November 4, 2004). Outstanding items are listed below.

Construction activities noted at the site during inspection today included installation of what appeared to be the site's utility/drainage system and active grading. Equipment in use throughout the site at the time of inspection included backhoes, bulldozers, water trucks, graders, and multiple pickup trucks. No sensitive species were observed in the work area. No white-throated swifts were noted during this site inspection.

OUTSTANDING ITEMS:

1. The Contractor needs to patch holes as needed to the Alameda whipsnake fence and ensure that it has an outward lean or is tall enough to preclude snakes from easily getting over the top.

2. The Contractor needs to make the following repairs to the Alameda whipsnake fence:

    - West of the north slope repair area, the last approximately 30-foot long section of fence terminating at the west edge of the north slope repair area has collapsed and should be repaired.

    - East of the north slope repair area, some of the fencing is now falling over or has already completely collapsed and requires repair. This compromised section of fence is located in the proximity of a metal drainage pipe.

    - East of the north slope repair area, the western edge of the fence ends near the top of a ledge. Fencing should exclude more habitat at this location by either extending down the ledge and up the dirt road or along the dirt road so as to create an effective parallel overlap with the existing fence.

    - East of the north slope repair area, at the eastern end of the fence, the fence should be extended across the talus slope to the base of the rocky outcrop.

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	November 30, 2004; 2:00 p.m. – 4:30 p.m.
Inspector:	Kevin Kilpatrick (Essex Environmental)
Weather:	Sunny, approximately 60 degrees Fahrenheit, and approximately 0 to 5 mph wind.

ACTIVITY: Whipsnake Fence and General Site Inspection

COMMENTS: Inspected portions of the Alameda whipsnake protection fence along the northwest side of the project from the west end near Hwy 580 to beyond the north slope repair area. Also inspected the east side of the project where graders and scrapers were operating.

On the northwestern portion of the project a large section of whipsnake habitat is open directly to the work area with no protective fencing. Elsewhere, other sections of fence do not extend far enough along the areas of habitat. On the eastern portion of the project there is no protective fencing installed anywhere along the potential whipsnake habitat. A silt fence is installed on the eastern side, but would need to be completely reinstalled to serve as a protective fence for whipsnakes.

Also, several weeks ago the contractor installed erosion control blankets consisting of small diameter netting on numerous slopes around the project. Although these blankets serve erosion control needs, this type of netting is hazardous to reptiles, particularly snakes that can get trapped in the netting if they weave through the material. The blankets are immediately adjacent to areas of high quality whipsnake habitat and could offer potential cover to whipsnakes, which may now be attracted to explore beyond the undisturbed habitat and into the work area.

Although these types of blankets generally are designed to breakdown over time, they are relatively long lasting. Because the blankets are adjacent to high quality habitat for Alameda whipsnake, and because they present potential for entrapment, the blankets are a constant and significant threat to whipsnakes, independent of construction activity. In light of this increased threat, the protective fence for Alameda whipsnakes, which has been in unacceptable condition for months, should be completely repaired or reconstructed to meet project specifications to help prevent accidental take of whipsnakes. Outstanding items are listed below.

Construction activities noted at the site during inspection today included use throughout the site of backhoes, bulldozers, water trucks, graders, and multiple pickup trucks. No sensitive species were observed in the work area.

OUTSTANDING ITEMS:

1. The Contractor needs to patch holes as needed to the Alameda whipsnake fence and ensure that it has an outward lean or is tall enough to preclude snakes from easily getting over the top.

2. The Contractor needs to make the following repairs to the Alameda whipsnake fence:

- West of the north slope repair area, the last approximately 30-foot long section of fence terminating at the west edge of the north slope repair area has collapsed and should be repaired.

- East of the north slope repair area, some of the fencing is now falling over or has already completely collapsed and requires repair. This compromised section of fence is located in the proximity of a metal drainage pipe.

- East of the north slope repair area, the western edge of the fence ends near the top of a ledge. Fencing should exclude more habitat at this location by either extending down the ledge and up the dirt road or along the dirt road so as to create an effective parallel overlap with the existing fence.

- East of the north slope repair area, at the eastern end of the fence, the fence should be extended across the talus slope to the base of the rocky outcrop adjacent to the erosion control blankets.

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	December 09, 2004; 8:00 a.m. – 10:00 a.m.
Inspector:	Kevin Kilpatrick (Essex Environmental)
Weather:	Mostly cloudy, approximately 60 degrees Fahrenheit, and approximately 0 to 5 mph wind. Storms over the previous several days, dropped approximately 2 inches of rain in the area.

ACTIVITY: Whipsnake Fence and General Site Inspection

COMMENTS: Inspected portions of the Alameda whipsnake protection fence along the northwest side of the project from the west end near Hwy 580 to beyond the north slope repair area. Also inspected the east side of the project where grading work is continuing.

The deficiencies in the protective fence for Alameda whipsnakes, which were addressed in previous reports, have not been corrected, and continue to present a risk to whipsnakes. These deficiencies generally include several hundred feet of missing, collapsed, or incorrectly installed protective fence.

At the north slope repair area, there is a strip of black plastic approximately 150 feet long by 15 feet wide that lines a drainage ditch that is immediately adjacent to potential whipsnake habitat. The dark plastic provides an area of elevated temperatures on otherwise cool days, which could attract both whipsnakes and their prey. There is no fence in this area to prevent whipsnakes from reaching the area, but the contractor has requested that construction personnel not walk around on the plastic tarp to help prevent crushing whipsnakes that may be attracted to this site.

There were minimal construction activities noted at the site during the inspection. There was a heavy rainstorm the previous day, and the contractor was observed conducting water quality testing. No sensitive species were observed in the work area. Outstanding items are listed below.

OUTSTANDING ITEMS:

1. The Contractor needs to patch holes as needed to the Alameda whipsnake fence and ensure that the fence has an outward lean and is tall enough to both meet the mitigation requirements and to preclude Alameda whipsnakes from easily climbing over the top of the fence.

2. The Contractor needs to make the following repairs to the Alameda whipsnake fence:

    - At the north slope repair area, several hundred feet of fence has either been removed, or has collapsed and requires replacement or repair.

    - East of the north slope repair area, the western edge of the fence ends near the top of a ledge. Fencing should exclude more habitat at this location by either extending

down the ledge and up the dirt road or along the dirt road so as to create an effective parallel overlap with the existing fence.

- East of the north slope repair area, at the eastern end of the fence, the fence should be extended across the talus slope to the base of the rocky outcrop adjacent to the erosion control blankets.

3. On the eastern portion of the project there is no protective fencing installed anywhere along the potential whipsnake habitat.

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	December 13, 2004; 1:00 p.m. – 3:00 p.m.
Inspector:	Kevin Kilpatrick (Essex Environmental)
Weather:	Mostly cloudy, approximately 65 degrees Fahrenheit, and approximately 0 to 5 mph wind.

ACTIVITY: Whipsnake Fence and General Site Inspection

COMMENTS: Inspected portions of the Alameda whipsnake protection fence along the northwest side of the project from the west end near Hwy 580 to beyond the north slope repair area. Also inspected the east side of the project where grading work is continuing.

The deficiencies in the protective fence for Alameda whipsnakes, which were addressed in previous reports, have not been corrected, and continue to present a risk to whipsnakes. These deficiencies generally include several hundred feet of missing, collapsed, or incorrectly installed protective fence. Additional hazards include areas of mesh netting that are accessible to whipsnakes, and an area of black plastic that may attract whipsnakes and their prey.

Equipment in use throughout the site at the time of inspection included backhoes, bulldozers, graders, and multiple pickup trucks. No sensitive species were observed in the work area. Outstanding items are listed below.

OUTSTANDING ITEMS:

1. The Contractor needs to patch holes as needed to the Alameda whipsnake fence and ensure that the fence has an outward lean and is tall enough to both meet the mitigation requirements and to preclude Alameda whipsnakes from easily climbing over the top of the fence.

2. The Contractor needs to make the following repairs to the Alameda whipsnake fence:

    - At the north slope repair area, several hundred feet of fence has either been removed, or has collapsed and requires replacement or repair.

    - East of the north slope repair area, the western edge of the fence ends near the top of a ledge. Fencing should exclude more habitat at this location by either extending down the ledge and up the dirt road or along the dirt road so as to create an effective parallel overlap with the existing fence.

    - East of the north slope repair area, at the eastern end of the fence, the fence should be extended across the talus slope to the base of the rocky outcrop adjacent to the erosion control blankets.

3. On the eastern portion of the project there is no protective fencing installed anywhere along the potential whipsnake habitat.

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	December 23, 2004; 3:30 p.m. – 4:00 p.m.
Inspector:	Kevin Kilpatrick (Essex Environmental)
Weather:	Mostly cloudy, approximately 65 degrees Fahrenheit, and approximately 0 to 5 mph wind.

ACTIVITY: Whipsnake Fence and General Site Inspection

COMMENTS: Inspected portions of the Alameda whipsnake protection fence along the northwest side of the project from the west end near Hwy 580 to beyond the north slope repair area. Also inspected the east side of the project where grading work is continuing.

The deficiencies in the protective fence for Alameda whipsnakes, which were addressed in previous reports, have not been corrected, and continue to present a risk to whipsnakes. These deficiencies generally include several hundred feet of missing, collapsed, or incorrectly installed protective fence. Additional hazards include areas of mesh netting that are accessible to whipsnakes, and an area of black plastic that may attract whipsnakes and their prey. In a conversation with Peter Helseth, with DeSilva Gates, Peter asked if whipsnake protection measures were necessary during the winter while snakes are hibernating. I let Peter know that while whipsnakes tend to be dormant during the cooler winter months; they can and do move around during this time, particularly during warmer winter days. The Mitigated Negative Declaration for the project requires protection measures during construction activities, without exception.

Equipment in use throughout the site at the time of inspection included backhoes, bulldozers, graders, and multiple pickup trucks. No sensitive species were observed in the work area. Outstanding items are listed below.

OUTSTANDING ITEMS:

1. The Contractor needs to patch holes as needed to the Alameda whipsnake fence and ensure that the fence has an outward lean and is tall enough to both meet the mitigation requirements and to preclude Alameda whipsnakes from easily climbing over the top of the fence.

2. The Contractor needs to make the following repairs to the Alameda whipsnake fence:

   - At the north slope repair area, several hundred feet of fence has either been removed, or has collapsed and requires replacement or repair.

   - East of the north slope repair area, the western edge of the fence ends near the top of a ledge. Fencing should exclude more habitat at this location by either extending down the ledge and up the dirt road or along the dirt road so as to create an effective parallel overlap with the existing fence.

- East of the north slope repair area, at the eastern end of the fence, the fence should be extended across the talus slope to the base of the rocky outcrop adjacent to the erosion control blankets.

3. On the eastern portion of the project there is no protective fencing installed anywhere along the potential whipsnake habitat.

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	December 30, 2004; 12:00 p.m. – 1:00 p.m.
Inspector:	Kevin Kilpatrick (Essex Environmental)
Weather:	Raining, approximately 55 degrees Fahrenheit, and approximately 0 to 5 mph wind.

ACTIVITY: Whipsnake Fence and General Site Inspection

COMMENTS: Inspected portions of the Alameda whipsnake protection fence along the northwest side of the project from the west end near Hwy 580 to beyond the north slope repair area. Also inspected the east side of the project where grading work is continuing.

The deficiencies in the protective fence for Alameda whipsnakes, which were addressed in previous reports, have not been corrected, and continue to present a risk to whipsnakes. These deficiencies generally include several hundred feet of missing, collapsed, or incorrectly installed protective fence. Additional hazards include areas of mesh netting that are accessible to whipsnakes, and an area of black plastic that may attract whipsnakes and their prey.

Construction activities appeared to be restricted to dewatering and water quality control. No sensitive species were observed in the work area. Outstanding items are listed below.

OUTSTANDING ITEMS:

1. The Contractor needs to patch holes as needed to the Alameda whipsnake fence and ensure that the fence has an outward lean and is tall enough to both meet the mitigation requirements and to preclude Alameda whipsnakes from easily climbing over the top of the fence.

2. The Contractor needs to make the following repairs to the Alameda whipsnake fence:

    - At the north slope repair area, several hundred feet of fence has either been removed, or has collapsed and requires replacement or repair.

    - East of the north slope repair area, the western edge of the fence ends near the top of a ledge. Fencing should exclude more habitat at this location by either extending down the ledge and up the dirt road or along the dirt road so as to create an effective parallel overlap with the existing fence.

    - East of the north slope repair area, at the eastern end of the fence, the fence should be extended across the talus slope to the base of the rocky outcrop adjacent to the erosion control blankets.

3. On the eastern portion of the project there is no protective fencing installed anywhere along the potential whipsnake habitat.

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	January 7, 2005; 8:45 a.m. – 10:30 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Raining, approximately 55 degrees Fahrenheit, and approximately 5 to 10 mph wind.
Compliance Status:	• NON-COMPLIANCE REGARDING VEGETATION CLEARING AND WORK WITHIN POTENTIAL ALAMEDA WHIPSNAKE HABITAT WITHOUT BIOLOGICAL MONITORING.

ACTIVITY: Whipsnake Fence and General Site Inspection

COMMENTS: Inspected portions of the Alameda whipsnake protection fence along the northwest side of the project from the west end near Hwy 580 to beyond the north slope repair area.

The majority of the deficiencies in the protective fence for Alameda whipsnakes, which were addressed in previous reports, have not been corrected, and continue to present a risk to whipsnakes. These deficiencies generally include several hundred feet of missing, collapsed, or incorrectly installed protective fence. Additional hazards include areas of mesh netting that are accessible to whipsnakes, and an area of black plastic that may attract whipsnakes and their prey.

A meeting between Jeff Dreier (WRA), Kevin Kilpatrick (Essex Environmental), and myself is scheduled for next week. This meeting will focus on the ongoing noncompliant condition of the Alameda whipsnake fence and the determination of a final compliant installation strategy.

Construction activities appeared to be restricted water quality control.

ACTIVITY: Removal of the Rocky Outcrop

COMMENTS:
Non-Compliance:
Observed that the majority of the rocky outcrop has now been removed. Access for equipment has been re-established along the talus slope below and around the rocky outcrop. Noted that rubble (small rocks to large boulders) from the removal was strewn down the talus slope. Equipment tracks were observed in the dirt and rubble where the outcrop had been removed. Some still-green vegetation was scattered amongst the ruble. This is a noncompliance situation because a biological monitor needs to be onsite during all mass grading and supervise initial clearing in potential Alameda whipsnake habitat. There would be no way to document the occurrence of take without a monitor present. Additionally, there is no whipsnake fence installed at this location to prevent the entry of species into the area. The contractor needs to contact Jeff Dreier with WRA to insure that a monitor is onsite when required by the Project's Special Status Species Mitigation and Monitoring Plan. No sensitive species were observed in the work area. Outstanding items are listed below.

OUTSTANDING ITEMS:

At this time the overall condition of the Alameda whipsnake fence is inadequate to eliminate the potential for harm or harassment to the species and noncompliant with the Project's Special Status Species Mitigation and Monitoring Plan. Multiple continuing problems as detailed in previous reports such as holes in the fence, insufficient fence height, incorrect fence lean, insufficient fence base burial depth, and large missing sections of fence occur along the entire length of the whipsnake fence.

As per the Project's Special Status Species Mitigation and Monitoring Plan, the potential for direct harm or harassment of Alameda whipsnake needs to be eliminated and fencing needs to be:

- Installed and adequately maintained around the construction footprint.
- Have a height of at least 24-inches (fabric height from ground surface) and be buried approximately 6-8 inches below the ground surface.
- Angled outward away from the construction zone.

In order to meet project requirements and protect the Alameda whipsnake, a continuous and unbroken line of fence needs to be properly installed. The fence should extend from the dirt access road parallel to Hwy 580, along the outer edge of the construction footprint, including the north slope repair area, up to where the rocky outcrop once was. As stated above, a meeting is scheduled for next week that will determine a final compliant installation strategy.

ENVIRONMENTAL INSPECTION REPORT
City of Oakland – Leona Quarry

Date:	January 12, 2005; 8:00 a.m. – 10:45 a.m.
Inspector:	Matthew Weinand (Essex Environmental)
Weather:	Partly cloudy, approximately 55 degrees Fahrenheit, and approximately 0 to 5 mph wind.

ACTIVITY: Meeting and Coordination

COMMENTS: A meeting onsite between Jeff Dreier (WRA), Kevin Kilpatrick (Essex Environmental), and myself occurred. Jeff will be taking over WRA's responsibilities from Dana Riggs. Provided a general site orientation and discussed biological issues including the ongoing noncompliant condition of the Alameda whipsnake fence. Jeff agreed that a continuous and unbroken line of fence should be properly installed to protect the Alameda whipsnake. Jeff stated that he intends to set up a meeting with the Contractor to discuss scheduled construction activities and determine a final compliant fence installation strategy and alignment.

ACTIVITY: Whipsnake Fence and General Site Inspection

COMMENTS: Inspected portions of the Alameda whipsnake protection fence with Jeff Dreier (WRA) and Kevin Kilpatrick (Essex Environmental) along the northwest side of the project from the west end near Hwy 580 to beyond the north slope repair area.

The majority of the deficiencies in the protective fence for Alameda whipsnakes, which were addressed in previous reports, have not been corrected, and continue to present a risk to whipsnakes. These deficiencies generally include several hundred feet of missing, collapsed, or incorrectly installed protective fence. Additional hazards include areas of mesh netting that are accessible to whipsnakes, and an area of black plastic that may attract whipsnakes and their prey.

Construction activities appeared to be restricted to water quality control and grading. No sensitive species were observed in the work area. Outstanding items are listed below.

OUTSTANDING ITEMS:

At this time the overall condition of the Alameda whipsnake fence is inadequate to eliminate the potential for harm or harassment to the species and noncompliant with the Project's Special Status Species Mitigation and Monitoring Plan. Multiple continuing problems as detailed in previous reports such as holes in the fence, insufficient fence height, incorrect fence lean, insufficient fence base burial depth, and large missing sections of fence occur along the entire length of the whipsnake fence.

As per the Project's Special Status Species Mitigation and Monitoring Plan, the potential for direct harm or harassment of Alameda whipsnake needs to be eliminated and fencing needs to be:

- *Installed and adequately* maintained around the construction footprint.

- Have a height of at least 24-inches (fabric height from ground surface) and be buried approximately 6-8 inches below the ground surface.

- Angled outward away from the construction zone.

In order to meet project requirements and protect the Alameda whipsnake, a continuous and unbroken line of fence should to be properly installed. The fence should extend from the dirt access road parallel to Hwy 580, along the outer edge of the construction footprint, including the north slope repair area, up to where the rocky outcrop once was. As stated above, Jeff Dreier (WRA) intends to set up a meeting with the Contractor to discuss scheduled construction activities and determine a final compliant fence installation strategy and alignment.