ATTACHMENT F

Appeal of Planning Commission Decision
Concerning Master Plan Amendment

ATTN: DARIN RANELLETTI, PLANNER III

Community and Economic Development Agency

CITY OF OAKLAND
REQUEST FOR APPEAL OF DECISION TO PLANNING COMMISSION, CITY COUNCIL OR HEARING OFFICER (REVISED 12/20/10)

PROJECT INFORMATION

Case No. of Appealed Project: CM09-085; CP09-078; ER 09-005

Project Address of Appealed Project: 9777 GOLF LINKS ROAD

APPELLANT INFORMATION:

Printed Name: RUTH MALONE/LAURA BAKER Phone Number: RM: 636-0165 LB: 849-1409

Mailing Address: 10700 LOCHARD ST Alternate Contact Number: 415-476-3273

City/Zip Code OAKLAND 94605 Representing: FRIENDS OF KNOWLAND PARK + EAST BAY CHAPTER, CALIFORNIA NATIVE PLANT SOCIETY CALIFORNIA NATIVE GRASSLANDS ASSOCIATION

An appeal is hereby submitted on:

☐ **AN ADMINISTRATIVE DECISION (TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)**

YOU MUST INDICATE ALL THAT APPLY:

- ☐ Approving an application for an Administrative Project
- ☐ Denying an application for an Administrative Project
- ☐ Administrative Determination or Interpretation by the Zoning Administrator
- ☐ Other (please specify) _____

Pursuant to the Oakland Municipal and Planning Codes listed below:

- ☐ Administrative Determination or Interpretation (OPC Sec. 17.132.020)
- ☐ Determination of General Plan Conformity (OPC Sec. 17.01.080)
- ☐ Design Review (OPC Sec. 17.136.080)
- ☐ Small Project Design Review (OPC Sec. 17.136.130)
- ☐ Minor Conditional Use Permit (OPC Sec. 17.134.060)
- ☐ Minor Variance (OPC Sec. 17.148.060)
- ☐ Tentative Parcel Map (OMC Section 16.304.100)
- ☐ Certain Environmental Determinations (OPC Sec. 17.158.220)
- ☐ Creek Protection Permit (OMC Sec. 13.16.450)
- ☐ Creek Determination (OMC Sec. 13.16.460
- ☐ City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)
- ☐ Hearing Officer's revocation/impose or amend conditions (OPC Sees. 15.152.150 & 15.156.160)
- ☐ Other (please specify) _____

RECEIVED
MAY 06 2011
City of Oakland
Planning & Zoning Division

☒ **A DECISION OF THE CITY PLANNING COMMISSION (TO THE CITY COUNCIL)** ☒ Granting an application to: OR ☐ Denying an application to:

See additional pages

(continued on reverse)

(*Continued*)

A DECISION OF THE CITY PLANNING COMMISSION (TO THE CITY COUNCIL)

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

- ☒ Major Conditional Use Permit (OPC Sec. 17.134.070)
- ☐ Major Variance (OPC Sec. 17.148.070)
- ☐ Design Review (OPC Sec. 17.136.090)
- ☐ Tentative Map (OMC Sec. 16.32.090)
- ☐ Planned Unit Development (OPC Sec. 17.140.070)
- ☐ Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- ☐ Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- ☐ Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- ☐ Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- ☒ Other (please specify) Approval of Subsequent Mitigated Negative Declaration/Addendum (ER09-00 Creek Protection Permit (CP09-078); Amendment to Oakland Zoo Master Plan

An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision.

You must raise each and every issue you wish to appeal on this Request for Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Request for Appeal Form (or attached additional sheets), and provide supporting documentation along with this Request for Appeal Form, may preclude you from raising such issues during your appeal and/or in court.

The appeal is based on the following: *(Attach additional sheets as needed.)*

See attached

☒ Supporting Evidence or Documents Attached. *(The appellant must submit all supporting evidence along with this Appeal Form.)*

Ruth E. Malone / Laura Baker / Jim Hanson 5/2/11

Signature of Appellant or Representative of Appealing Organization *Date*

Below For Staff Use Only

Date/Time Received Stamp Below: Cashier's Receipt Stamp Below:

May 6, 2011

To: Mayor Jean Quan, Council Members Larry Reid (President), Rebecca Kaplan, Desley Brooks, Jane Brunner, Nancy Nadel, Ignacio De La Fuente, and Libby Schaaf

From: Friends of Knowland Park
California Native Plant Society, East Bay Chapter
California Native Grasslands Association

RE: Amendment to the Oakland Zoo Master Plan
Case File Nos. CM09-085, CP09-078 & ER09-005

Dear Mayor and Council Members:

The Friends of Knowland Park, the California Native Plant Society, East Bay Chapter, and the Native Grasslands Association are appealing the decision of the Oakland Planning Commission made on April 27, 2011 to approve the East Bay Zoological Society's proposed expansion into public lands at Knowland Park.

We believe that the Planning Commission failed to comply with the California Environmental Quality Act (CEQA) in analyzing the impacts of the proposed Amendment to the Oakland Zoo Master Plan ("the Project") because it did not require a full environmental impact report (EIR) despite significant new and substantially more severe impacts than the original plan. It is also noted that the original plan was never submitted for review in a full EIR.

Our appeal of the Planning Commission decision is based on the following grounds:

1. The decision is not supported by substantial evidence.

2. The decision constitutes an abuse of discretion because the Planning Commission failed to require the preparation of a full environmental impact report (EIR) as mandated by the California Environmental Quality Act (CEQA) and the rules and regulations of the Federal Environmental Protection Agency (EPA).

3. The decision was based on misstatements and misrepresentations of law and fact by responsible City agencies and administrators, for example:

   (a) The Oakland Planning Department's Staff Report concludes that "An EIR would not result in additional or better analysis, different mitigations, or different conclusions" than had already been performed under the draft SMND/A (see audio-visual presentation, part V, paragraph 10). Since state law and federal law expressly distinguish between the public rights and governmental procedures required for each level of environmental review applicable to a proposed project (for example, as noted in the Staff Report, the extended public comment period and alternatives analysis provided for in an

EIR), the Commission's decision approving the Project constitutes an admission that the agency is unwilling or unable to meet its obligations under those laws.

(b) The Parks and Recreation Advisory Commission (PRAC) recommended approval of the Project despite declarations by its members at a public hearing that it had neither the time nor the expertise to conduct a meaningful review of the Project.

(c) The Friends of Knowiand Park was falsely accused of willfully doctoring a photograph submitted in support of its opposition to the Zoological Society's application.

4. The Project is inconsistent with fundamental elements of the Oakland General Plan.

5. The Planning Commission failed to comply with mandatory procedures of CEQA by failing to make all documents referenced in the Subsequent Mitigated Negative Declaration/Addendum (SMND/A) available for public viewing.

6. The Friends of Knowiand Park, as a group of interested private citizens and park users, was unfairly and improperly held by City Staff to an unreasonable standard for failing to formally critique the professional document commissioned by the Zoological Society to rebut the Friends of Knowiand alternative design concepts. Those concepts were expressly developed and submitted by the Friends of Knowiand Park simply as a means to suggest the range of alternatives that might be explored should a full EIR be prepared – and were never intended as a substitute for a legally-mandated study of altematives. This was, or should have been, understood by the Planning Department.

These and other bases for appeal are detailed in the public record for this Project, including but not limited to the following letters, which are attached hereto and incorporated by this reference.

Finally, it is our understanding that the City has filed a CEQA Notice of Determination prior to the expiration of the appeal period. The NOD is invalid and must be immediately revoked because the City Council has not yet approved the Project. *See County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 962-63. Moreover, the filing of the NOD violates the City's own CEQA ordinance which requires the City Council to make its own environmental determination in cases such as these where the Project, i.e., the Master Plan Amendment, may only be approved by the City Council. Oakland Municipal Code 17.158.220. Indeed, to the extent the City intended to start the statute of limitations to challenge the Project, such a legal challenge would eviscerate the appeal and the Council's sole authority to approve the Master Plan Amendment.

Attachments (from Oakland City Staff Reports)

Regarding the SMND/A, dated February 2011:

1. Email stream from California Native Plant Society (CNPS), dated April 28, 2010
2. Letter from Sierra Club, dated May 16, 2010
3. Comments submitted by Friends of Knowiand Park, dated March 14, 2011
4. Comments from the California Native Plant Society, dated March 14, 2011
5. The CNPS Rare Plant Program Ranking System, labeled "Exhibit A"
6. Letter from California Native Grasslands Society (fax), dated March 13, 2011
7. Letter from Sierra Club, dated March 14, 2011
8. Letter from Shute, Mihaly, and Weinberger, LLP, dated March 14, 2011
9. Letter from Golden Gate Audubon Society, dated March 15, 2011

Regarding the City responses to the above-listed comments:

10. Comments submitted by Friends of Knowiand Park, dated April 27, 2011
11. Letter from California Native Plant Society, dated April 26, 2011
12. Letter from California Wildlife Foundation & California Oaks, dated April 26, 2011
13. Letter from California Native Grasslands Association, dated April 27, 2011

Ranelletti, Darin

From:	Roy West [royewest@gmail.com] on behalf of Roy West [rwest@monocot.com]
Sent:	Thursday, April 29, 2010 9:21 AM
To:	Ranelletti, Darin
Cc:	Roy West; Lbake66@aol.com
Subject:	Re: Comments from the California Native Plant Society on Proposed Amendments to Approved 1998 Master Plan

Attachments: S-Oakland-13--PPA.pdf; South_Oakland_PPA_120309.pdf; ATT3778163.txt


S-Oakland 13 - PPA.pdf (580 KB...


South_Oakland_PPA_120309.pdf (...


ATT3778163.txt (6 KB)

Dear Mr. Ranelletti,

Thank you for your note last week. I would appreciate being kept up to date about the Zoo expansion project status. You can send U.S. mail to me at:

Roy West
1635 Posen Ave.
Berkeley, CA 94707

Would it be appropriate for me to call you for a rough time line .and and update this week or early next? If so, can you suggest a good time to reach you?

I realize in my haste to get you my the letter about the zoo's drawings to you last week, I forgot to include anything about the California Native Plant Society (CNPS), whom I represeut for issues about Knowland Park and the Zoo. The California Native Plant Society is a non-profit organization of more than 10,000 laypersons, professional botanists, and academics in 32 chapters throughtout California. The Society's mission is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, and conservation. Our East Bay chapter covers Alameda and Contra Costa counties.

I have two areas I'm hoping you can help me with.

First, a question about what is part of the public record.

I was under the impression that when the zoo posted new plans on their web site in March and invited comments, that those comments would be part of the public record. As I mentioned in my note to you, I was quite surprised to learn that my letter was not included in the packet prepared for the Planning Commission meeting last week. Can you tell me whether the comments sent to the zoo by our Society and others will become part of the public record and how to obtain them?

On a related topic, do you know if the Zoo's slides that they presented to the Commission at last week's meeting are part of the public record and something I could obtain for review?

Second, I hope you understand from the letter I sent to the zoo and forwarded to you, that the California Native Plant Society's chief concern is the stewardship of the intact and incredibly valuable vegetation communities in Knowiand Park. The park contains plants that grow no where else in the East Bay! To help protect these resources, and to express our enthusiasm for the educational outreach opportunities the California exhibit could offer, we have met many times with the Zoo in the past half-dozen years -- perhaps longer. We have asked teh Zoo specifically to address their responsibilities for the stewardship of the whole park by developing and implementing a vegetation management plan that will protect and enhance these last remaining examples of plant communities and plants of their kind in the Oakland Hills. I see in the list of mitigations in the 1998 "Oakland Zoo in

Knowland Park Master Plan Update, Mitigation Measures"
a number of specific measures required by the zoo, including exactly the kind of planning we've asked the zoo to conduct. Dr. Parrott's presentation to the Commission suggested that in fact, their plan implementation is already many years under way, and that they are only asking for approval to complete the last phases of the project.

At what point must the zoo implement the mitigation measures itemized in this document? How can I be sure to know the status of these measures? Is there any recourse with the Planning Commission or another authority of these measures are not carried out in a responsible way?

I hope you will see that CNPS' goal is quite reasonable -- to ask the Zoo to become responsible stewards for the natural resources in their own back yard, just as they have done for African and Australian and other exotic natural resources, in compliance with their stewardship responsibilities for Knowland Park and as described in the Master Plan Update Mitigation Measures.

Finally, I'm forwarding you two documents (PDFs) that are drafts from our chapter's forthcoming publication on the 15 Biological Priority Protection Areas in the East Bay. The South Oakland Foothills is one of those 15 priority locations for us. These pages do a nice job of characterizing what is so precious about this region of the city of Oakland, our concerns about the ongoing threats to those treasures, and the map show in particular how special and rare are the intact native plant communities on the west-facing slope of those hills are in Knowland Park.

Thanks you again for your assistance,

Roy West
Conservation Committee of the California Native Plant Society, East Bay Chapter

A sense of place

These hills are domineted by an extensive and beautiful oak woodland, of fairly low stature but probably great age, considering the many ring-clones, some up to a dozen trunks, evidence of past fire cycles. The woodland is a prominent and pleasant feature as seen from eastbound 580 near the confluence with highway 13: the Leona Greenbelt. It is punctuated with pockets of chaparral (*Adenostoma* and *Arctostaphylos tomentosa*) and grassland on the the steep southern exposures, and some fine patches of softer coastal scrub and grassland on more mesic western slopes.

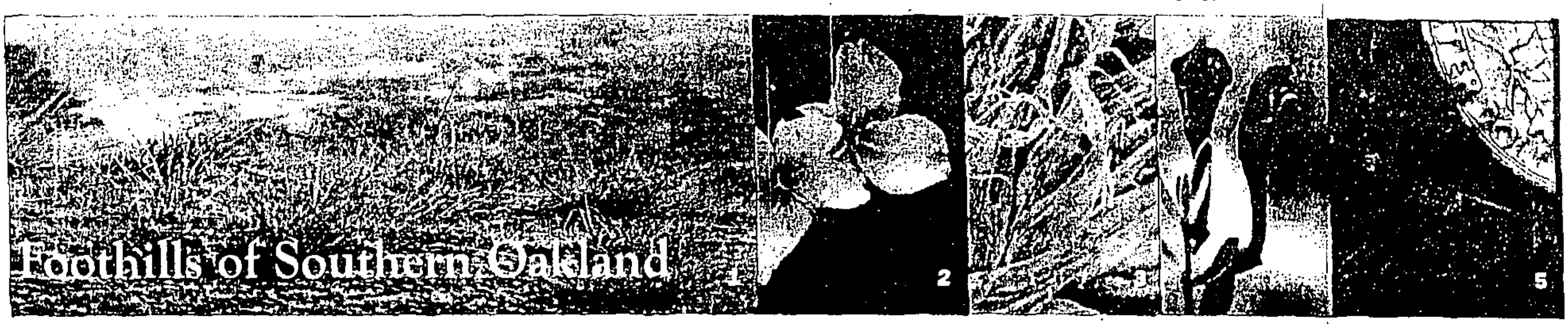
What I most love about my explorations here is the feeling of wildness. In a place bracketed by two freeways and a ridgeline full of houses. It's hardly pristine; there is evidence of past mining activity throughout, and a sewer right-of-way cuts down from the housing towards Mountain Boulevard, attended by Acacia, Pampas Grass, Broom and other camp-followers.

wildness, in a place bracketed by two freeways

But there are many, many special spots that almost are pristine. It sports a glorious slope of *Festuca californica* that is not far from the biggest patch of *Trillium chloropetalum* I've ever seen in the East Bay. There is a goodly patch of *Silene californica* dazzling in the scrub near an oak-covered knob worthy of any Druid. There is a steep canyon facing 580 with native snapdragon, Most-Beautiful Jewelflower, Venus Thistle, *Melica californica*, *Wyethia helenioides*, and many other grassland species. Much of the place is rugged like this, and it's easy to feel thoroughly alone, especially since most of it is accessible only on deer trails. And it is changeable: probably as a function of its highly dissected terrain and its fire and mining history, there are many transitions between closed and open vegetation of various types and mixtures. An intriguing place.

EAST BAY CNPS

Foothills of Southern Oakland



Botanical hot spots

These hills overlooking the San Francisco and Oakland skylines support a profusion of native bunchgrasses. Knowland Park is a hot spot for the native Valley Needlegrass Grassland, which is dominated by the official state grass of California, purple needlegrass (*Nassella pulchra*). In these hills small unmapped lenses of serpentinite that support chaparral and open woodlands provide the preferred habitat for Oakland star tulip (*Calochortus umbellatus*). It is only within this BPPA that two sedge species which are locally uncommon–many ribbed sedge (*Carex multicostata*) and Dudley's sedge (*Carex dudleyi*) make an appearance in dry and mesic grasslands. A seldom seen plant species in the East Bay that prefers a variety of habitats including seeps, dry streambeds, scrub, or woodland habitats throughout the California Floristic Province is grayleaf skullcap (*Scutellaria siphocampyloides*). This species has been recorded from Hayward, possibly occurring within the boundaries of the South Oakland BPPA. Somewhere in the Leona Hills in 1891 Katherine Brandegee collected knotweed spineflower (*Chorizanthe polygonoides* var. *polygonoides*), one of the few spineflowers known from our chapter area.

Sensitive natural community

Valley Needlegrass grassland (1)

Rare and unique plant species

Oakland Star Tulip — *Calochortus umbellatus* (2)

Dudley's sedge —*Carex dudleyi*

Many ribbed sedge —*Carex multicostata* (3)

Curve flowered skullcap —*Scutellaria siphocampyloides* (4)

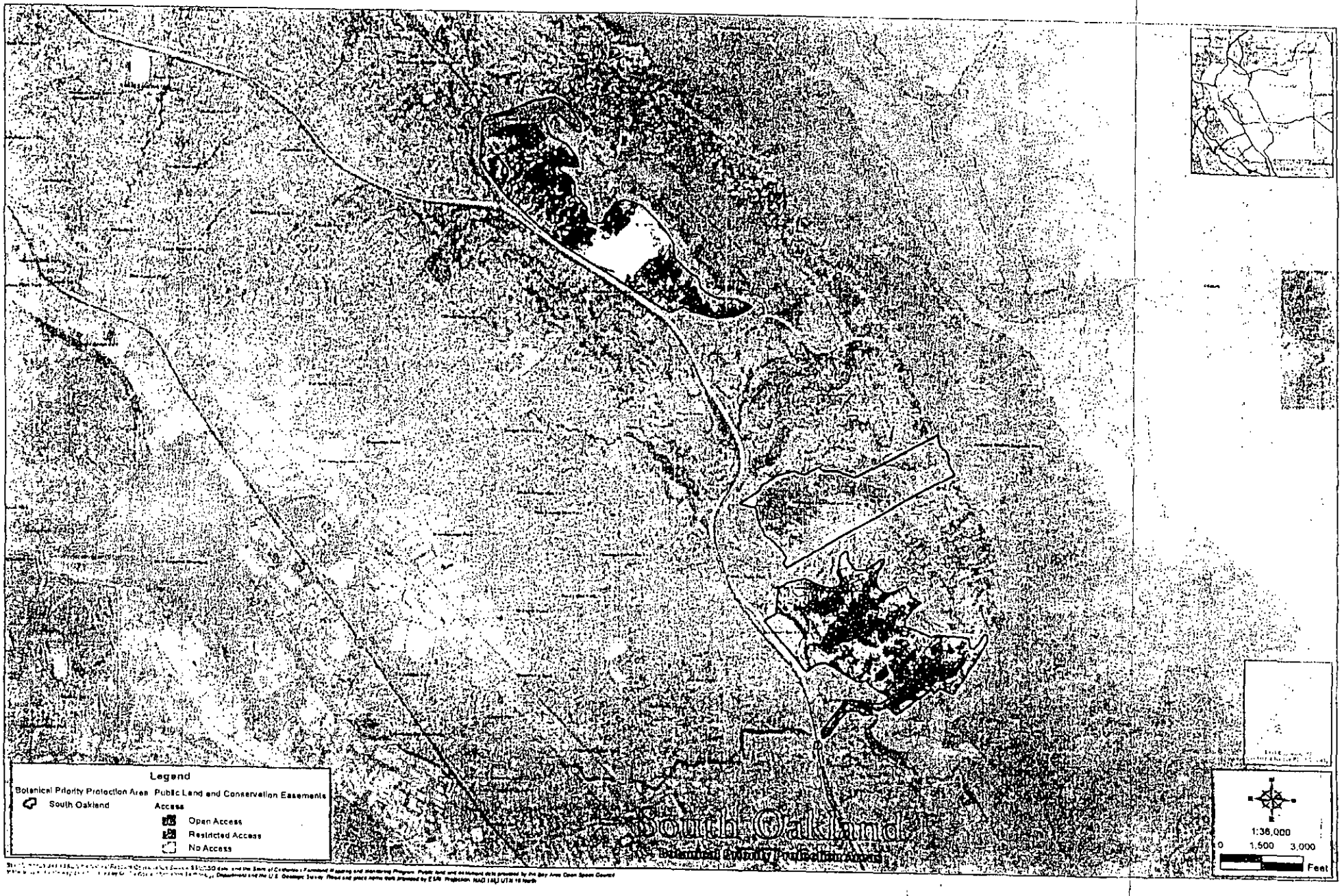
Lost Historic Occurrence

Knotweed spineflower —*Chorizanthe polygonoides* ssp. *polygonoides* (1891) (5)

Threats, Opportunities and Constraints

The hills of Oakland overlook an expansive urban area that provides habitat for a population of nearly 750,000 people. The ridgeline serves as a remnant of a once vibrant natural landscape, much of which has been preserved by the East Bay Regional Park District and local cities. Despite considerable development, there are still surprisingly intact yet unprotected viable natural areas that continue to thrive. With active city parks departments and the regional park district and with recent funding from the passage of Measure WW, there are opportunities to raise awareness about these areas and to preserve and manage them before they fall prey to developers interested in building low density suburban housing. These lands are potential open spaces and parks that retain value for people seeking recreational opportunities near the cities where they live. They also provide habitat for native plants and wildlife. In addition to development, a second major threat is fire at the urban-wildland interface. Many parks have become hotbeds of weed invasion, and numerous unmanaged non-native eucalyptus and pine plantations have created a build-up of dangerous fuels that, in combination with the incursion of homes pressing into wildland areas, creates an increased risk of catastrophic fire. With this BPPA we hope to connect some of the fragments of native landscape to the existing matrix of parks on the urban fringe. We also are encouraging the wise management of vegetation at the interface to promote healthy native plant communities and combat the invasion of weeds.

Dedicated to the preservation of California native flora


Legend
Botanical Priority Protection Area
South Oakland
Public Land and Conservation Easements
Access
Open Access
Restricted Access
No Access
South Oakland
Botanical Priority Protection Areas
1:36,000
0 1,500 3,000
Feet

Attachment 2:

Letter from Sierra Club, dated May 16, 2010

SIERRA CLUB
FOUNDED 1892

Northern Alameda County Group
(Alameda-Albany-Berkeley-Emeryville-Oakland-Piedmont-San Leandro)
2530 San Pablo Avenue, Suite I, Berkeley, CA 94702
510-848-0800 (voice) · 510-848-3383 (fax)

May 16, 2010

Dear Members of the Oakland Planning Commission:

The Sierra Club recently heard from neighbors opposed to the Oakland Zoo's expansion plan calling for construction of a new veterinary facility, gondola ride and enclosed animal compounds in Knowiand Park above the zoo. The neighbors who spoke to us presented the opinion that the Oakland zoo's managers appear to be disregarding agreements worked out two years ago in response to the 2008 protests by the community, and have furthermore not addressed many of the original concerns of the community going back to the original 1998 zoo expansion master plan, foremost being that the zoo intends to fence off 56 acres of open space to construct a series of exhibits that will only occupy a portion of that space. The rest of the enclosed space is proposed to sit empty.

We spoke with a representative of the zoo on May 14th, to confirm the acreage numbers and that they plan to fence off this space for the purpose of the expansion. The zoo representative confirmed this and gave us the explanation that the space between the existing zoo and the proposed new exhibits is too steep to build on and that a fence is necessary to promote restoration of the land and keep out animals such as feral cats. Despite these explanations, we agree with the neighbors who are asking why the zoo is fencing off so much acreage, if they are only going to use a portion of it for their exhibits. The Sierra Club believes that public access to open space, whether it be in an urban area or in the Sierra Nevada, is key to the public learning to "explore, enjoy, and protect wild places," which is the mission of the Sierra Club. Putting up fencing around open space in Knowiand Park removes the land from public access. It will no longer be "open space."

We also take issue with those who have commented that by building a gondola ride from the zoo up into Knowiand Park, that the zoo is "providing public access to open space." In fact, we understand that the public will be asked to pay for this experience, and that the public will only have access to the fenced-in portions of the zoo. This is not the same as "providing access to open space."

Our second major concern next to loss of open space is that the environmental review process to date has been inadequate. This is a large project that will have significant direct impacts and cumulative impacts. CEQA requires that entirely new environmental review analysis and documents be prepared when a substantial amount of time has passed after the initial project proposal and review, and anytime when conditions may have changed substantially, and/or new evidence has come forward that there are potential significant impacts that weren't identified in the original proposal. The Zoo expansion is certainly a case where both of those parameters are in effect, as evidenced by the following:

1) It has been approximately 13 years since the original proposal and Mitigated Negative Declaration (the "Initial Study and Environmental Review Checklist" is dated 3/27/1997). That time lag should trigger a whole new, and complete environmental review for a project of this size.

2) The proposed expansion - with additional structures, gondola, etc. – will clearly have new traffic impacts (we also note that traffic conditions have changed in Oakland since 1997), as well as potential impacts in a number of other related CEQA areas (e.g. aesthetics, air quality, storm water management, etc.) Again, these need to be fully analyzed.

3) The 1997 expansion plan, including the modifications made in 1998, had a different "footprint" (different fence line as well as different exhibit locations) than what is currently proposed.

in summary, the altered scope of this expansion vis a vis 1998 warrants a full Environmental Impact Review and reconsideration, and it must comply fully with CEQA. We would expect that any new environmental review include an impact study and proposed mitigation measures for the following categohes:

- Air Quality
- Biological Impacts
- Transportation
- Water Management / Stormwater Runoff

We are concerned that this appears to be a case where an institution is saying, "because we do good work on species conservation and education, we should be allowed to sprawl into open space to support our good efforts." The Sierra Club believes that this is exactly the type of situation where responsible environmental institutions should adopt an entirely different approach: the zoo could show real leadership on habitat and species protection by committing to further ehhance its facilities and programs withih its current boundaries, complying with all aspects of CEQA, and educating its visitors about the importance and significance of that decision and commitment. This would garner both positive public relations - thereby enhancing fundraising efforts and public visibility – as well as promoting and implementing a truly sustainable environmental choice for the future. Continuing expansions do not represent a sustainable approach to conservation efforts.

This proposal must be re-evaluated in light of the larger issues of protection of the last remaining open spaces and habitat throughout the south Bay hills area. The Sierra Club continues to have strong reservations about the proposed expansion of the Oakland Zoo. We therefore ask the Oakland City Council and the Planning Commission to require a new EIR before this project moves ahead any further.

Sincerely,

Kent Lewandowski
Chair, Sierra Club Northern Alameda County Group

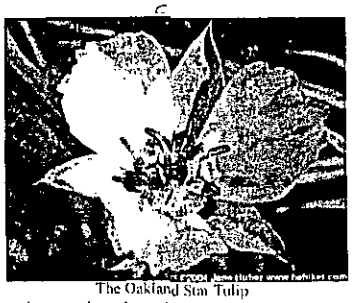
Cc: Oakland City Council, Mayor's Office

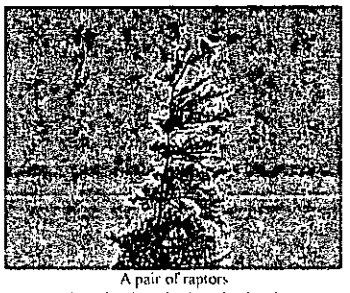
Attachment 3

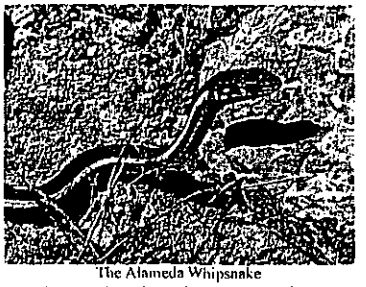
Comments submitted by Friends of Knowland Park, dated March 14, 2011

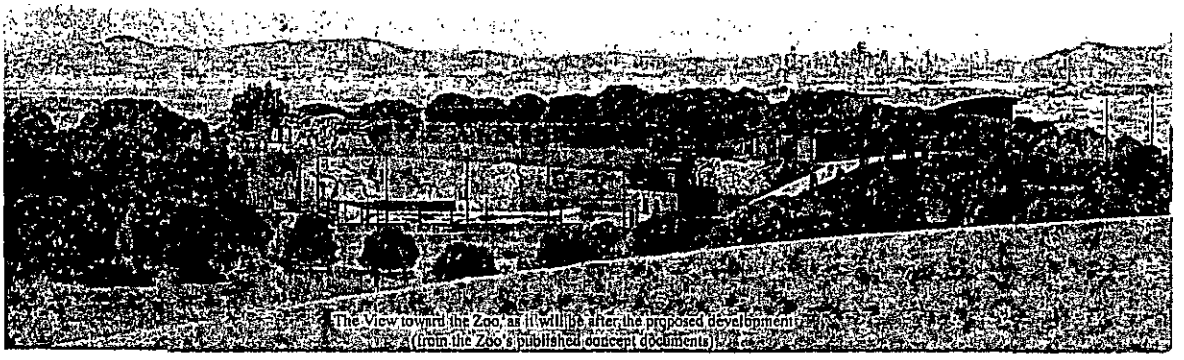
Citizen Comments
on the
Amendment to Oakland Zoo Master Plan:
Subsequent Mitigated Negative Declaration/Addendum
Draft, dated February 2011


The View toward the Zoo as it is now


The Oakland Star Tulip
a threatened species native to the Knowland Park


A pair of raptors
that often hunt in Knowland park


The Alameda Whipsnake
a threatened species native to Knowland Park


The View toward the Zoo, as it will be after the proposed development
(from the Zoo's published concept documents)

Submitted by
The Friends of Knowland Park
March 14, 2011

We, the submitters of this document, respectfully provide it as commentary to the document titled, "Subsequent Mitigated Negative Declaration/Addendum. Draft, Volumes 1 and 2" and dated February 2011: We greatly appreciate the City's review of our comments. Please feel free to contact us if you have questions regarding our comments.

Sincerely yours.

Ruth Malone
Co-Chair, Friends of Knowland Park
Durant Park Highlands

Stefanie Gandolfi
Associated Residents of Sequoyah Highlands

Jason Webster
Co-Chair, Friends of Knowland Park
Durant Park Highlands

Sandra Marburg
Associated Residents of Sequoyah Highlands

Gabriele Alien
Chabot Park Highlands Association

Karen Putz
South Hills Homeowners Association

Thomas M. DeBoni
Associated Residents of Sequoyah Highlands

Lee Ann Smith
Sequoyah Heights Homeowner Association

Received on Date Time

by

Oakland City Planning Department

cc: Shute, Mihaly and Weinberger, LLP

Friends of Knowland Park Comments

Regarding Subsequent Mitigated Negative Declaration/Addendum

for the Amendment to the Oakland Zoo Master Plan

Table of Contents

A. OVERALL COMMENTS

The city has not recommended a full Environmental Impact Report under the California Environmental Quality Act (CEQA), which would be suggested by Public Resources Code Section 21166. This section states that a new EIR is triggered when "substantial changes are proposed in the project" and/or when "substantial changes occur with respect to the circumstances under which the project is being undertaken." With regard to the Zoo expansion project, each type of change has occurred.

The currently proposed Amended Master Plan requires a full Environmental Impact Report under the California Environmental Quality Act because it represents something very different than the Master Plan proposal approved 13 years ago. As noted in the letter from our legal representatives, CEQA provides that, when the lead agency previously certitled a negative declaration, as is the case here, an Addendum is only appropriate where "minor technical changes or additions are necessary." Clearly, the changes to the Master Plan proposal involve far more than "minor technical changes or additions" by any reasonable measure, including vastly expanding and moving the Interpretive Center, and including other non-recreational uses within it; addition of the Veterinary hospital building, a major structure not part of the previously approved Master Plan; reconfiguration of the exhibit spaces, with dramatically different impacts on the character of the remaining parklands; addition of an aerial gondola ride/people moving system, not part of the previously approved Master Plan; addition of an outdoor camping area, not part of the previously approved Master Plan, in an area of sensitive oak woodland; and multiple other changes detailed in these comments.

The currently proposed Amended Master Plan requires a full Environmental Impact Report under the California Environmental Quality Act because of changes in the circumstances under which the project would be undertaken. In the 13 years since the previous approval, the regulatory climate has changed, and the proposed Amended Master Plan project is inconsistent with multiple policy elements of the city's Open Space, Conservation, and Recreation (OSCAR) portion of the city's General Plan, adopted after the 1998 approval. In addition, there are new conditions that have arisen since the previous approval, including the development and spread of Sudden Oak Death, which has killed more than 1 million trees in California and has never been addressed in any project or planning documents.

The currently proposed Amended Master Plan requires a full Environmental Impact Report under the California Environmental Quality Act because it is required under CEQA if information "which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR [or MND] was certified," shows that the project will have impacts missing from the previous MND or that any impacts will be more severe than stated in the previous MND (CEQA Guidelines §15162).

Identification of numerous previously unknown environmental impacts, including state and federal protected animal species and special status plant species that will be directly and indirectly affected by the proposed project, clearly meets CEQA criteria for requiring a full EIR.

Finally, the currently proposed Amended Master Plan requires a full Environmental Impact Report under the California Environmental Quality Act because it is the right thing to do when public resources are being affected by a controversial major development project that will have permanent impacts on a public park. Friends of Knowland Park acknowledges, not without some reluctance, that some expansion of the Zoo into Knowland Park has been previously approved and will eventually happen. However, despite appeals to Planning by other groups to extend the comment period, the public has had only 30 days in which to review more than 1300 pages of materials not available before. This limits the public's ability to adequately assess and provide input on the project's impacts.

Presumably, the same is true for the public's representatives on the Planning Commission. Planning Commissioners will also, under the anticipated agenda for approval of the Amended Master Plan, have less than two days to review these and other public comments and any staff response made to them before being asked to make a decision on approval. The project is big and important enough, and its effects long-lasting enough, that it is worth making sure it is done right and all impacts are fully considered, even more so because the project's focus is on conservation education.

A longer public review and comment period is a requirement for a full EIR under CEQA precisely because that process assures that many eyes review projects with important impacts and participate in efforts to improve development proposals. In addition, a full EIR under CEQA will reassure the public that its representatives are not simply ramming through a new project that, for many Oakland citizens, constitutes a "bait and switch" after community members spent more than 18 months negotiating on a design for the expansion that was approved in 1998, only to find their efforts tossed out the window with this proposed Amended Master Plan.

Given these facts, a reasonable person would conclude that a full EIR under CEQA should be completed before this Amended Master Plan project is approved. Details follow regarding impacts we believe must be analyzed. Friends of Knowland Park notes, however, that these can only be regarded as preliminary comments given the volumes of material and the short time frame.

Comments on MND/A Project Description Section

As noted in the letter from our legal advisers, the Project Description is incomplete and inadequate under CEQA. We make the following further observations on the Project Description:

1) **MND/A fails to adequately explain the details of the proposed California Interpretive Center, why such a massive structure is now required, and its full environmental impact.**

Friends of Knowland Park has many concerns about the proposed Interpretive Center, including its enormous size, visual impact, and use of prime park ridgeline space for offices, which should not under any circumstances be permitted. In this section we briefly mention other comments and questions about the project description as it is summarized in the MND/A. More detailed comments are provided under the appropriate section areas below.

Page 2-16 – An exterior deck off the restaurant would contain approximately 1,140 additional square feet. What will this deck be used for? Additional restaurant space? Has the impact of the noise from this space been accounted for in the noise calculations? It says the Interpretive Center will be used for events that are held currently at the present zoo. Does this include special events like weddings? It will only be open during regular zoo operating hours, but it will also be used for these special events. Please define operating hours.

Given the large auditorium, Snow Building, and other spaces the Zoo now has within its current footprint, we question the need for such an enlarged Interpretive Center to be used for these events. This is a major change from the Approved Master Plan and creates additional environmental impacts not adequately addressed in the MND/A.

2) **MND/A fails to adequately explain the details of the Amphitheater and its environmental impact.**

Page 2-22. The MND/A states that the Amphitheater would be used for "Events currently offered in the Children's Zoo." What does this mean? Do such special events include music of any kind? Will it have audio components? Speakers? Microphones? No examples of events are provided; thus its environmental impacts cannot be adequately assessed. We raise additional important questions about the Amphitheater and its currently proposed status under the Biological Resources section and elsewhere.

3) **Fails to adequately explain the details of the Gondola and its environmental impact.** The biological resource impact of the proposed gondola is not addressed in this document. See additional discussion of this issue, below under Geology, Other Issues and elsewhere.

4) **Fails to adequately explain the details and requirements of the proposed overnight camping area and fully analyze its environmental impact.**

Page 2-22: The proposed "Overnight camping experience" was not part of the Approved 1998 Master Plan. It is stated in a footnote that the Zoo already has camping activities. Why is this additional camping area required? If campers get to the site via the Gondola, does that mean the Gondola will operate longer hours than the zoo's regular operating hours? What are the

quiet hours for the camping experience? Will there be outdoor lire pits? The MND/A states that "most of the camping" would occur on the weekends. If it's just "most," when will the rest of the camping happen? Has the noise from the weekend camping experience been fully accounted for the noise analysis, or only an average? Other important unanswered environmental questions are raised under specific sections, below.

B. SPECIFIC COMMENTS BY SECTION OF MNDA/A

3.1 AESTHETICS

Contrary to the conclusions of the MND/Addendum, Friends of Knowiand Park finds that the proposed amended Master Plan buildout clearly results in new signillcant aesthetic impacts not identified in the 1998 MND and a substantial increase in the severity of previously identified impacts. A Full EIR should be required to address this.

The changed design of the project since 1998 imposes new impacts that are obviously not addressed in the 1998 MND, and are being inadequately addressed, downplayed, or ignored in the MND/Addendum. The 1998 MND, for example, found that the Approved Master Plan would have no impact on scenic vistas or views open to the public, no aesthetic impact related to building height, and a less-than-significant impact related to light and glare. However, the 1998 MND noted that the project would consist of "low-rise, small-scale buildings," as noted on 3.1-2. This is patently not the case with the vastly expanded and reconfigured Amended Master Plan proposal, and the MND/Addendum does not adequately characterize or consider the effects of this project on the remaining parkland open space. The MND/Addendum includes misleading simulations, as discussed below, entirely omits simulations directly comparing the Amended Master Plan proposal with the Approved Master Plan, and leaves out consideration of important aesthetic impacts, including the overall fundamental, permanent change in the character of Knowland Park for park users.

In order to assess the importance and relevance of aesthetic components, it is useful to refer to the Oakland General Plan, specifically the relevant Open Space, Conservation, and Recreation (OSCAR) element objectives and policies. It appears that these policies are being ignored and contradicted despite their mention in this review. OSCAR (POLICY 0S-10.1), for example, calls for protection of the character of existing scenic views in Oakland, with particular attention to "views of the Oakland hills from the llatlands" and " panoramic views from Skyline Boulevard...and other hillside locations." Taking OSCAR and other information into consideration, the following aspects of the MND/Addendum are misleading, inadequate or incomplete.

1) **The report admits that the project would have a significant impact on the environment if it would have a substantial adverse effect on a scenic vista.**

Although the OSCAR policy referenced above refers explicitly to "views," it is mischaracterized here by referring only to "vistas," and noting in a footnote on page 3.1-10 that "A vista is a distant view." This appears intended to suggest that the only views that have aesthetic value are those in the far distance, as opposed to the near and middle distance. To the contrary, the views that are most treasured by park users constitute not only the far-distant background, but the middle and foreground views from the parkland, a point that has been made repeatedly and eloquently in public meetings at the Zoo and in meetings with city planners, but is largely ignored in this report. For this reason, it is stunningly disingenuous to suggest that the project will not have a substantial adverse effect on the scenic view from Knowland Park, itself a "hillside location."

The previous Master Plan proposal, with conditions of approval resulting from 18 months of negotiation with community groups of park users, was planned to have minimal impact on the area over the ridgeline away from the existing Zoo and toward the largest area of remaining parkland. The "Off site breeding area," for example, was envisioned as a quiet, low-impact, non-visitor activity that was, by definition, "off-site" from the California project and was the only reason the fenceline was extended to its current location. The veterinary medical hospital now proposed, an entirely new feature not included in the 1998 approval, has removed the need for this "off-site breeding area." The only other exhibit protruding fully over the ridgeline in the previous plan was a grizzly bear exhibit. (see Fig 2.-2).

Clearly, the previous Master Plan proposal did not include many of the new features that will have substantial aesthetic impacts on scenic views. Yet the current MND/Addendum does not adequately address these new features in relation to scenic views, nor sufficiently address the aesthetic impacts of relocation of all the exhibits under the new proposal.

2) **The report admits that the project would have a significant impact on the environment if it substantially reduced the aesthetic quality of the remaining parklands.**

The current proposal, in fact, substantially and permanently increases the severity of aesthetic impacts on the remaining parkland areas. As compared with the previous plan, virtually all of the proposed animal exhibits and visitor areas have been moved up into the area directly abutting the primary parkland access, where they will be visible and audible from the parkland as a developed intrusion of buildings, fences, fake boulders, elevated walkways, noisy crowds of people and other developed structures into what are currently bucolic, peaceful grassy hill views with prominent soft oak shadows, natural rock outcroppings and an unobstructed vista beyond. The previously approved plan had much less impact on the parkland experience because the majority of the exhibits were located on the Zoo side of the

ridgeline and less overall space was devoted to these exhibits [Table 2-4, MND/A]. Members of the public have repeatedly said how highly they value the peaceful character of the parkland. Under the revised plan, park users standing at any of the viewpoints in the remaining parkland will look down upon a graded and altered site through a fence that extends above treeline, to a built environment that includes numerous buildings, walkways, boardwalks, structures and crowd noise. Clearly, the aesthetic quality of remaining parklands will be substantially and permanently diminished.

3) **The report admits that the project would have a significant impact on the environment if it would substantially degrade the existing visual character or quality of a site and its surroundings.**

Knowland Park, a public park, constitutes the immediate "surroundings" of the project, and the degrading effects upon it are not adequately accounted for nor mitigated.

The revised configuration of the project, for instance, involves a changed emergency plan that calls for the gravelling and widening to 20 feet of an existing fire road from Snowdown Avenue entering within and extending down the central spine of the remaining parkland with 8 foot turnouts every 300 feet and a 40 foot inside radius at the intersection of the few remaining parkland trails. These will have a major impact on the park user experience.

Both of these will completely change the foreground views and experience of peaceful grasslands that from the parkland made the vista beyond so compelling, something the previous plan did not do. The primary remaining public walking routes in Knowland Park will now all feature views of Zoo development, which substantially degrades the existing visual character and quality of the site and its surroundings. This means it has a significant impact on the environment.

4) **The simulations are misleading, inadequate or omit vital information needed to compare the aesthetic impact of the new proposal with the Approved Master Plan.**

The report's visual simulations and the claims made using them are misleading and incomplete in several ways: buildings and fences are rendered implausibly pale and transparent, and the grassland is portrayed as remaining green, while the proposal makes clear that these grasslands will not remain as they are due to animal and visitor traffic, walkways, construction, etc. The report notes that the project "will reduce the extent of visible open grasslands," but this is not accurately reflected in the simulation. The simulations also do not represent visually the effects of a 20 foot gravel roadway with turnouts and a 40 foot radius in the foreground of the views of the site, which will be quite different than the present mostly sunken 10 foot fire road.

The report claims that compared to the approved Master Plan, the proposed plan would result in reduced visibility of the California interpretive center building from the viewpoint in

Fig. 3.1-3b. However, no comparison simulations are offered to support this claim, which fundamentally mischaracterizes the proposed plan's effects on the view from this location. The previously proposed location for the interpretive center was just over the saddle of the ridge away from the parkland, screened behind trees, and under the approved Master Plan, the interpretive building itself was to be a "low profile" 7500 square foot one story building, as opposed to a 34000 square foot 3 story structure under the new proposed plans.

There are no simulations directly comparing the previous Master Plan with the current proposal. In the absence of these, it is impossible for the public to visually assess with any accuracy the difference in aesthetic impacts between the two plans.

There are no simulations taken from the area proposed for the pedestrian hiking trail up "Heart Attack Hill" or the "Upper Knoll" from the northern park side. Fig. 3.1-8 shows the view from on top of the hill, but does not show the view looking northeast from the planned trail up the hill to get there, as opposed to the view from the same location under the approved Master Plan. This is incomplete and ignores a major impact on views from this location.

The simulation of the view from the Upper Knoll does not adequately capture the view as a pedestrian on the hiking trail would experience it. The hiking trail runs between the landmark tree pictured in Fig 3.1-8 and the fenceline, yet the simulation photo is taken from much farther to the south, which minimizes the visual impact of the fence on pedestrians. This is misleading.

The simulations of the aerial gondola towers (e.g. Fig 3.14-a) do not appear to accurately characterize the size of the proposed gondola towers, which are projected to be 12X12 at their base and extend vertically as much as 60 feet. It is also unclear what the structure protruding above the treeline in the center of the photosimulation after buildout is, since this does not appear to be the location of the proposed multi-story interpretive center building. In addition, given the simulation of the gondola route, this simulation does not show its termination in the proposed multi-story interpretive center building. Since the aerial gondola cars are planned to be carried above the trees, this is visually misleading as it shows no towers further up the ridge and the cars will not drop down on the other side.

The simulations of Figs 3.1-6-a and 3.1-6b appear to show trees covering the west-facing windows of the multi-story interpretive center. Given that the whole point of putting a building on top of the ridge is for the views, it seems unlikely that the trees would be actually placed in this configuration. Also, this simulation likewise renders the gondola tower, gondola wires and gondola cars implausibly invisible and is thus misleading to the public. In addition, these simulations do not reflect the relocation proposed for the interpretive center as a result of the habitat issues discussed elsewhere, and thus are inaccurate.

We note that while Interstate 580 is identified as a scenic route and thus subject to specific planning guidelines, the only simulation was from I-580 looking southeast. It does not show

any aerial gondola towers, which seems questionable since the cars will ride above the trees and terminate at the interpretive center building, which is visible. This would also appear to be an incomplete summary of the effects on the scenic corridor. No simulations from I-580 looking north-northeast are provided. It appears that it is from that angle that the 60 foot aerial gondola towers would be likely to be most visible. Thus the simulations do not permit adequate evaluation of the full impacts.

In short, the simulations are seriously flawed, misleading and/or incomplete, providing inadequate information about the project's impacts to the public.

3.2 AIR QUALITY

While Friends of Knowland Park notes that page 3.2-21 states that "BAAQMD 2010 CEQA Guidelines and the City's significance criteria provide that localized CO concentrations should be estimated for projects in which 1) project generated traffic would conflict with applicable congestion management program established by the county congestion management survey" but that the proposed Amended Master Plan wouldn't meet this criteria, common sense suggests that localized concentrations should be estimated for a project of this magnitude, particularly one located along a major Interstate freeway. We urge that this be done.

We are also concerned with construction effects on air quality that have not been specifically addressed in the MND/A (see Hazards section, below).

Finally, we feel the air quality section overlooks important considerations. For example, on p. 3.2-27, the MND/A states that the BAAQMD recommends evaluating all sources located within a 1000-foot radius of the project site. However, because the project site is centered up on top of the ridge, the report says the 1000-foot radius includes no freeways or major roads. In actuality, the vast majority of zoo visitors drive to the Zoo on the I-580 freeway, and this expansion is expected lo draw a great many more of them. By a reasonable person standard, it is unacceptable to say this should not be part of the air quality evaluation of the project.

3.3 BIOLOGICAL RESOURCES

The Biological Resources section shows most clearly why a full EIR should be required for this project to proceed on public lands. The identification of rare and endangered species in the expansion area in recent surveys, which were not found present in 1998, is a new development of major concern.

This project will have significant, damaging effects on locally endangered species and rare plant communities lhal cannot be fully mitigated, thus requiring a full EIR under CEQA. The project is in conflict with several provisions of OSCAR, including but not limited to those

discussed below, and it is not congruent with the General Plan's aims of preserving plant communities, rare and endangered native animal species, and habitat for both, nor with the stated conservation mission of the project as a whole.

Tree removal

Friends of Knowland Park notes that the City arborist has found the inventory, labeling and mapping of trees for removal under the project to be inaccurate and inadequate for verification purposes as of this month; this has resulted in the Zoo withdrawing its application for a tree removal permit to begin work. Given that the Amended Master Plan project is not yet approved, it is premature to approve a tree removal permit, but in any case, this means that the documents provided in this report cannot be said to accurately reflect the environmental impacts, including not only the calculations in the Biological Resources section, but also the estimates on carbon sequestration under the Global Warming section and elsewhere.

Sensitive and Important Plant Communities

OSCAR Policy CO-7.1 speaks to preservation of native plant communities, "especially oak woodlands...native perennial grasslands, and riparian woodlands." The expansion site, as noted, is one of the last remaining tracts in the Oakland hills with relatively intact native plant communities of these three key types. While the MND/A calls for replanting of native trees at a 3/1 ratio, the MND/A does not specify where these will be planted, nor does it identify the specific areas of mitigation for grassland replacement.

The Board of Forestry and Fire Protection, which has regulatory authority over all of California's oak woodlands at the local and state level, has generally interpreted the term *significant stand of [oak] tree species* to mean those stands with a canopy cover of 10% or greater" [*http://www.californiaoaks.org/ExtAssets/CalifOakWoodlandLaws.pdf*] . According to the Zoo's measurements, the Oak Woodlands represent 2 acres out of 19.7 affected acres. Thus the impacted area is >10% Oak Woodlands, and would appear to fall under the jurisdiction of the Board of Forestry and Fire Protection under CEQA. This is not adequately addressed in the MND/A.

Resource documents:

http://www.californiaoaks.org/ExtAssets/CalifOakWoodlandLaws.pdf
http://www.californiaoaks.org/html/2040.html

Knowland Park is home to large areas with relatively undisturbed and rare Valley Needlegrass Grassland, a native plant community. The Amended Master Plan proposal would result in destruction of large areas of this grassland. Mitigation measures, including restoring grasslands and clearing areas of invasives, are presented. However, it is proposed that the replacement acreage for mitigation would be in Knowland Park itself Since the Zoo is responsible for Knowland Park stewardship, including stewardship of the parkland areas

outside the Zoo itself and outside the proposed expansion area, any degraded areas were already the Zoo's responsibility (See Stewardship section, below). Restoring any degraded grasslands does not address mitigation sufficiently, since there will still be a net loss of native grassland.

The MND/A also notes that a rare native wildflower and CEQA-protected plant, *Lepiosiphon acicularis*, was found in an area proposed for the wolf exhibit. Under OSCAR, such plants should be protected. However, the mitigation measures included, which include watching after construction to see whether the wolves dig there, are not sufficient to protect the plant. These rare plants should not be enclosed in the wolf habitat, which should be moved elsewhere or the perimeter fence boundary moved in to protect the area in which this rare plant grows in its present location. Further protections, including fencing with an appropriate perimeter as determined by a professional botanist, should be required.

MND/A revisions lo Mitigation Measure 14c (p. 3.3-38) say that the as-yet undeveloped Mitigation and Monitoring Plan shall, among other things, include "provisions for interpretive programs and access restrictions." It is unclear what, specifically, is meant by this clause. Whose access will be restricted, and in what ways? Where will the 'interpretive programs' be located? Will this mean that groups will enter mitigation-provided grassland habitat areas and whipsnake (see below) habitat? Where will these be located? More detail is needed about the specific measures proposed to mitigate these effects on threatened species. Appendix G-2 likewise refers to subject matter experts (certified pest applicator, qualified botanist, certified arborist, on-site biological site biological monitor, qualified biologist and qualified wetland specialist) required to ensure the Zoo follows environmental guidelines. These should be the only people permitted into the areas of these threatened species. However, these sections do not adequately address how this monitoring will occur and be reported. The monitoring must be conducted by an independent third party.

Animal **Species**

The MND/A notes finding an Alameda Whipsnake, a threatened species that was not identified on the site at the time of the 1998 approval. While 13 years ago, no whipsnakes were found, the project was considered to be critical habitat for this species, which is at risk of extinction. This may be the only whipsnake in the city of Oakland. The identification of the snake in the project area is an extremely significant new development. The U.S. Fish and Wildlife Service [*http://www.fws.gov/sacramento/es/animal_spp_acct/alameda_whipsnake.pdf*] has noted thal the population is only found in five areas, one of which is the Trampas/Chabot hills. However, due to the unique features of the Knowland Park topography and its relative isolation/separation from the other identified habitat areas by roadways, it is entirely possible that the snakes occupying this habitat are a unique subtype genetically distinct from those

found in the Lake Chabot-Las Trampas area, which is some distance away and separated by development. If this were a new population, this would represent an even more significant find, but without testing, this cannot be determined, and thus the true environmental impact of the proposed "incidental take" of snakes and compensatory mitigation cannot be determined. Whipsnakes are fast moving, but do not have a wide territorial range. Females typically move little, especially during breeding season, and thus would be less likely to be trapped. Therefore, a young male suggests the potential for others to be in the area.

The project will result in direct and indirect impacts on a known threatened or endangered species protected under federal and state laws, requiring that a full EIR be completed.

The MND/A admits that the site must now be considered occupied habitat of this threatened species. The USFWS notes that, "The only evidence of Alameda whipsnake egg-laying is within a grassland community adjacent to a chaparral community." This description precisely characterizes the site of the California project's greatest-impact areas under the Amended Master Plan proposal, a fact clearly indicated in the document (Fig 3.3-1).

Yet the Amended Master Plan project proposes to place buildings, roads and animal exhibits either on top of or in close proximity to this occupied habitat. The Addendum recognizes that significant impacts will result and largely relies on the Habitat Enhancement Plan and Mitigation and Monitoring Plans to be prepared in the future to mitigate these impacts. However, there is inadequate detail provided about these as-yet unprepared plans to ensure mitigation of the project's impacts. In addition, as our legal advisers note, the City has failed to make them enforceable though legally binding instruments.

The MND/A provides no information on the potential for vibration from the proposed gondola ride/people mover, noise and trash from the visitor center, and other aspects of the project to affect whipsnakes.

The MND/A asserts, without providing evidence or discussing location, that "there is adequate area within Knowland Park to achieve" the mitigation ratio of 1:1 acre for every area of impact (p. 3.3-38). From a "reasonable person" perspective it is difficult to see how the Zoo can be permitted to remove core habitat for a species threatened with extinction and claim as mitigation other areas of habitat *within the same site* or sites *within protected parkland* that *already exist*.

The Mitigation and Monitoring Plan must be developed before approval, to ensure that in fact, the mitigation measures reduce the impact on threatened species to less than significant levels as claimed. In the absence of a detailed plan, it is impossible to assess this. The appropriate authorizations required from the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) pursuant to the requirements of the federal Endangered Species Act and the California Endangered Species Act, respectively, should be

obtained *before* the project is approved, since they might reasonably be expected to necessitate additional project changes that would generate other impacts.

Friends of Knowland Park also notes that Table 3.3-1, "Comparison of Estimated Vegetative Cover Affected (Acres)—Approved Master Plan and Proposed Master Plan Amendment," does not actually show what its title would suggest, since it does not provide equivalent data for each condition. This does not permit accurate comparisons of the impacts of the Approved Master Plan and the proposed Amended Master Plan projects.

As the USFWS describes, whipsnakes remain in grasslands for periods ranging from a few hours to several weeks at a time. Grassland habitats are used by male whipsnakes most extensively during the mating season in spring. Female whipsnakes use grassland areas most extensively after mating, looking for egg laying sites. The existing intact ecosystem of Knowland Park supports the other species that provide shelter and food for the whipsnake, including the burrows of gophers and the multiple lizards, skinks, etc. that are food sources and identified in the report as inhabiting the site. There is no discussion of how the project will affect this overall habitat and these other species, which cannot be replaced merely by removal of invasive broom as discussed.

The 1998 MND called for "whipsnake habitat" to be preserved in perpetuity on the "land owned by the East Bay Zoological Society" [we note that the City of Oakland actually owns all the land in question, so this was misleading] east of the then-proposed California exhibit. This provision to preserve whipsnake habitat in perpetuity should be kept in any approval, and it is particularly relevant to a project with wildlife conservation as its mission. The boundary of this preservation area must be extended, given what is known about whipsnake survival needs. A qualified herpetologist should be consulted to establish meaningful borders for a protection area and search for additional snakes in nearby areas.

The MND/A's Revisions to Mitigation Measure 13c from the 1998 Approved Master Plan (p. 3.3-39) now read that: "The service road shall be a maximum of 15 feet in width and designed to accommodate crossing by Alameda whipsnake and other wildlife, where necessary..." It is unclear what "where necessary" means in this context, and how that would be determined. No intrusion of the service road into sensitive whipsnake habitat should be permitted.

APPENDIX G-1, Status of the Alameda Whipsnake in Knowland Park for the Proposed Expansion of the Oakland Zoo, (Swaim Biological, Inc., 2011) recommends removing the amphitheater from the project. The MND/A, however, mischaracterizes this as "removing the amphitheater from the stand of chamise-chaparral," which is ambiguous as to whether the amphitheater will still be part of the proposed Amended Master Plan or whether it will actually be removed altogether as recommended by the consultant. If the amphitheater is to

remain. then the new location must be specified. These highly relevant facts under CEQA are not provided. thus making it impossible to determine whether the impacts are adequately mitigated. It is also unclear whether the proposed Interpretive Center will be re-sited. as recommended in Appendix G-1. and whether this re-siting creates new impacts not yet analyzed. since the documents present it in the previously proposed location. Likewise. the MND/A refers ambiguously to "*restricting* the California Interpretive Center ten feet to the east" rather than "moving" it as recommended in the report.

Frog Populations in Knowland Park

The MND/A also notes that the potential for.the threatened California red-legged frog was not addressed in the 1998 MND. However, it fails to describe completely circumstances leading to obliteration of an existing seasonal pool and frog breeding area known locally by regular parkgoers as "Lake Willbegone". While Friends of Knowiand Park claim no expertise in frog identification, this was a known site for frog breeding in the late winter to spring months, with tadpoles teeming in the standing water. The MND/A identifies this area as a "950 square foot" seasonal wetland that has little habitat value (3.3-42). However, there is history here that has been documented in repeated emails to city staff and is omitted from Ibis report, provided below (copies of emails available on request).

A few days after a Zoo-community meeting on May 18, 2009, at which the existence of this seasonal vernal pool was raised publicly in the meeting by a community member as being a concern because it was within the proposed project site, annual fire road grading (initiated by the Zoo as the stewards of the parkland) was done with an especially heavy hand-- deeper and wider than any grading ever previously done that neighbors can recall. Specifically, and interestingly in light of the city's existing creek ordinance developed since the 1998 approval, this grading entirely obliterated the large seasonal vernal pool and associated habitat at the confluence of the four current roadways between the hills, right at a central portion of the Zoo's proposed "California!" project expansion area.

While the MND/A attributes this pool solely to the results of prior road grading, the site lies at the base of several natural downslopes and water naturally pools there. This pool was regularly a breeding ground for frogs, a pair of ducks visited it yearly in rainy seasons, and other bird life were seen in it, including a great blue heron. This was not just a puddle created by a rough road, as the MND/A suggests, but was a seasonal pool created by the confluence of the slopes around it. The grading not only obliterated the distinctive cracked ground and flora that characterize such seasonal pools, but bulldozed a long (approx 60 feet) sloping stretch away from it downhill in a way clearly intended to insure that it did not refill. There was no need for this track to be created for the purpose of turning around grading equipment, since the site was at the confluence of four roads. It is difficult to imagine why it would have

been done except to ensure that the pool, which was located at the epicenter of the proposed Amended Master Plan exhibit site, would be eliminated. Since the fire road was used only in the dry season, the pool was not a concern for fire access purposes. It is difficult not to consider the possibility that the grading was done so that the pool was no longer something that would have to be considered as part of the environmental evaluation of the site.

This was reported to the city's creeks coordinator, Charles Pons, in February of the following year, after the rains began and it was clear the pool would no longer refill as before and thus could no longer provide frog breeding habitat. In June, when no further information was forthcoming despite repeated queries, this matter was reported to city planner Darin Ranelletti, who replied that he was aware of the issue and city staff were "looking into it." No further response was ever received, despite submission of Google earth photos showing the 60 foot track leading away downhill from the site. Friends of Knowland Park believes this was a relevant environmental site and that its obliteration may constitute a wetlands violation under CEQA or other regulations.

The Habitat Enhancement Plan, APPENDIX G-2, Habitat Enhancement Plan at the Oakland Zoo California Exhibit and Upper Knowland Park (Environmental Collaborative, 2010b), which we note actually constitutes a plan to have a plan, rather than being itself a plan as entitled, calls (Action 5-3, page 18) for additional surveys to be done to confirm the presence or absence of additional populations of special status species. However, if such species occupy the site, it would be important to know that prior to approval, as this could have implications for the project siting and could result in additional environmental impacts on that basis.

Particularly given the fact that the whole expansion project is being undertaken in the name of educating the public about conserving native California species, the project requires a full EIR to address all these issues.

MND/A OMISSIONS—Biological Resources

Sudden **Oak Death**

The MND/A fails to address a major California environmental issue, Sudden Oak Death (SOD). A phenomenon known as Sudden Oak Death (SOD) was first reported in 1995 in central coastal California, but was not well documented, understood or widely known about in 1998 when the Master Plan was approved. Since then, it has killed over a million tanoak, coast live oak, Shreve oak, and California black oak trees. (*http://anrcatalog.ucdavis.edu/pdf/8426.pdf*) No project claiming a conservation mission should be approved in the absence of a detailed plan for addressing SOD, most especially one in the city named for the oak.

Sudden oak death is caused by a pathogen called *Phytophthora ramorum*. The pathogen is not a fungus or a bacterium, but a member of a unique group of organisms called Oomycetes. In addition to affecting oaks, it also infects Bay laurel, madrone, manzanita, and buckeye trees.

SOD has important implications for any development project in areas with oak woodlands because soil disturbance in such areas may render oaks more susceptible to infection. In addition, soil from around infected trees and plant material from infected trees can infect other trees.

Although SOD is a forest disease, it is most common in urban-wildland interface areas—places where development meets or intermingles with undeveloped wildland—precisely the type of environment represented by the proposed project site. Diagnosis of infected trees and proper disposal of contaminated wood and other material are essential to limiting the spread of the disease. Management options include treatment with phosphonate compounds and selective plant removal.[http://www.ipm.ucdavis.edu/PMG/PESTNOTES/pn74151.html]

SOD can be spread by moving infested soil and plant materials. Both state and federal regulations are in place to control the potential spread of the pathogen to uninfested areas. The California Department of Food and Agriculture (CDFA) and the U.S. Department of Agriculture Animal and Plant Health Inspection Service (USDA–APHIS) regulate movement of any known host species. A quarantine is in place for the infested counties [http://www.ipm.ucdavis.edu/PMG/PESTNOTES/pn74151.html].

Dr. Matteo Garbelotto of UC Berkeley, a forest pathologist specialist and internationally recognized expert in SOD, toured the Amended Master Plan site in May, 2010 at the invitation of Friends of Knowland Park to discuss signs of SOD and mitigation measures that should be included should infected trees be identified on the expansion site. He identified several trees with characteristic symptoms within the area, and reports (see letter, Appendix 1) that the disease has been found in Knowland Park and is currently mostly affecting bay laurel leaves. As he states in his letter, other landowners, including the San Francisco Public Utilities Commission, have taken SOD presence and distribution into account and modified plans accordingly. He recommends a complete survey of disease distribution, a designation of areas at high and low risk, and practices to reduce risk of transmission. More infonnation is available on his lab's website, *http://www.cnr.berkeley.edu/garbelotto/english/index.php*

The absence of significant SOD infection in Knowland Park to date makes it even more imperative that a full Environmental Impact Report under CEQA be completed. Additional assessments for SOD should be perfomted before work is begun since stress of existing trees, disruption of soil and roots and disposal of plant material, including other types of trees that

serve as hosts, could inadvertently increase susceptibility or spread the disease to the remaining oak woodlands in the park.

OSCAR Policy CO-7.1, as previously noted, calls for protection of native plant communities, "especially oak woodlands." The siting of the Overnight Experience campground, with multiple-very-large-(10X20-foot)-platform-tents-housing-a-total-of-up-to-100-people-in-one-of-the most beautiful groves of mature oaks on the expansion site, is likely to create increased stress on these oaks through trampling of root systems, shading and water effects from platforms, disturbance of soil from construction, disruption of understory plant communities, and other effects not addressed or mitigated by the MND/A. In addition, the grading plan (3.4-25) must be revised to include information about disposal of contaminated soil from any identified areas of infection. It would be a tragic outcome if a conservation-focused project contributed in any way to increased loss of the city's signature oaks to this serious disease.

MND/A OMISSIONS —Effects of Widening of Fire Road on Plant Communities and Species Habitat

The widening of the existing fire road off Snowdown Avenue is likely to impact a large existing colony of California lupine, which could affect butterfly habitat. This is not addressed in the MND/A. The California Mission Blue butterfly, which is protected under the federal Endangered Species Act, lays its eggs on the leaves, buds and seedpods of lupines, and its breeding has been greatly impacted by development. The area where this colony of lupine exists is outside the proposed Amended Master Plan expansion area but contiguous to the fire road, and would be likely to be obliterated entirely by its widening to 20 feet with turnouts, as called for in the Amended Master Plan proposal. An appraisal of the environmental impacts of the fire road widening on butterflies, other species utilizing lupine, and on other native plant communities in the parkland outside the perimeter fence is lacking in the MND/A and should be required before the project is approved.

CONCLUSION

The MND/A does not adequately describe, address nor mitigate the significant effects the Amended Master Plan proposal will have on special status animal and plant species, communities and habitat.

- As proposed, the project will result in direct and indirect impacts on a known threatened or endangered animal species protected under federal and state laws, requiring that a full EIR be completed.

- The project will also result in elimination of rare plants identifled on the site, as the mitigation measures proposed are wholly inadequate for their protection.

- The project as proposed directly conflicts with numerous provisions of the City's General plan OSCAR policies; these are mentioned here representatively rather than exhaustively due to time constraints for receipt of public comments.

- The MND/A leaves several key issues unnecessarily ambiguous, including the recommended elimination altogether from the plan of the amphitheater and the re-siting of the proposed Interpretive Center building.

- The project's effects on existing frog populations are not fully addressed, and the report mischaracterizes a water feature used by breeding frogs.

- The Habitat Enhancement Plan provides inadequate detail from which to determine whether it will effectively and sustainably address the proposed project's many environmental impacts on existing plant and animal life.

- The MND/A completely omits discussion of a major environmental concern for oak woodlands, Sudden Oak Death, and of the effects on existing parkland plant communities of doubling the width of the emergency access road.

In multiple respects, the MND/A shows why a full EIR under CEQA is required for this project.

3.4 GEOLOGY AND SOILS

The Geology and Soils section does not sufficiently pursue an in-depth evaluation of how known seismic hazards at this site could seriously endanger human health and safety, especially with reference to the proposed gondola, gondola support structures and California Interpretative Center. Geological risks are also associated with the location of the Veterinary Hospital.

Major Earthquake Hazards

Several of the proposed features are located very near the Hayward Fault. The active trace of the Hayward Fault Zone passes approximately 750 feet southwest of the proposed Vet Hospital site and ~ 2000+ feet from the proposed California Interpretative Center site, gondola support structures, and elevated walkways of the California animal exhibits (3.4-27). A major earthquake, or surface rupture, along the Hayward Fault could greatly impact all of them.

The probability of a major earthquake in the near term future is extremely high. According to the Working Group on California Earthquakes, there is a 63% probability of an earthquake of Richter Magnitude greater than or equal to 6.7 between 2007 and 2037 in the Bay Area (3.4-11), and more specifically within this estimate, a 31% chance of a large earthquake on the

Hayward Fault in the same time frame (3.4-11 and 3.4-13). In other words, there is a 30% chance of a major eruption within 0.1 kilometers of the proposed Master Plan Amendment Area. Although the project is more than 200 feet from the Alquist-Priolo Earthquake Fault Zone (EFZ)—a designation that was created to deal largely with the issue of occupied homes on surface trace faults—this fact does bring additional attention to seismic risks in this part of Oakland.

In the event of a major earthquake, failures in the aerial gondola system could pose serious public safety risks. The proposed aerial gondola consists of eight support structures and an anchor at the proposed California Interpretive Center. Failure at any point could lead to severe accidents, possible injury or even death. Gondola cars could swing widely during an earthquake, or the system could even fail—stranding the public high in the air. Yet, MND/A report does not present the aerial gondola system as a unified whole that could respond strongly, and possibly erratically, to earthquake movement.

Other Risks

The northern half of the proposed California Interpretive Center building and at least three of the eight independent proposed gondola support structures (#4, #6, #8) lie within a defined seismic hazard zone (State of California Hazards Map, see 3.4-21 and Figure 3.4-5). Notably, these defined zones were specifically developed by state law to help protect the public from the effects of seismic hazards other than surface rupture (3.4-8).

In addition, two of the proposed aerial gondola support structure locations (# 5 and #6) are shown as being close to "probable landslide areas" (Figure 3.4-3). Indeed, structure #6 is extremely close to a "probable landslide" area that would like flow to the southwest, and it, along with #5, lie astride a second "probable landslide zone" that would like flow to the north. Thus, these supports for the aerial gondola might be subject not only to known seismic impacts quickly following an earthquake on the Hayward Fault, but also might be involved in subsidence due to other factors as well. Similarly, the newly relocated proposed Veterinary Hospital Building, at the bottom of a ravine area, is also near "probable landslide areas" (Figure 3.4-3).

Finally, portions of the California Exhibit are underlain by undocumented non-engineered fill that may settle differentially. This could pose a problem for the proposed California Interpretive Center site (where one end of the gondola construction will likely be located). Nonetheless, this fact did not receive a full study because "at the time of the 1998 MND this criterion was not in effect" (3.4-35). The fact that the gondola itself is a new feature of the current proposal—and links to a dramatically redesigned and expanded proposed interpretive center—suggests that it should be given full review, rather than scanty reference.

In short. there are several geological or soil hazards. apart from strong earthquake movement that could impact key project elements and have not been fully addressed. Three of the eight independent support structures for the proposed aerial gondola (#4. #6. #8) as well as the proposed California interpretive Center (and possibly the Veterinary Hospital Building) are at potential risk from other kinds of ground movement. landslides. and/or differential subsidence.

Surprising Conclusions

Despite presenting a long list of known geological hazards and other instabilities, the "slope stability screening investigation" concludes that "there is an absence of seismic landslide hazards in the Master Plan amendment area and that no additional investigation of earthquake-induced landsliding is needed" (3.4-25). Risks are also downplayed in the final analysis. The report concludes that all substantial risks to people or structures of loss, injury or death associated with strong seismic ground shaking, ground failure or even landslides can be reduced to less-lhan-significant levels for the proposed project through compliance with requirements and implements of the geolechnical and design criteria (3.4.5.3; 3.4-26). These comments appear to skirt the issue of whether the projecl should be resigned and relocated to reduce existing natural risks. Nor is there an adequate discussion how a response team would respond to an earthquake emergency at the site.

Miscellaneous Issues

There is no clear discussion of whether serpentine (and possibly asbestos) is present in the proposed new project development site. This would be a special problem during construction and grading, but could also have implications for public use areas as well.

CONCLUSION

The proposed project lies virtually atop the Hayward Fault. It is estimated lhat this fault has a 30% probability of generating a large earthquake in the next 30 years. Ruptures on other Bay Area faults could also impact the site. In addilion, several proposed gondola supports and the proposed California Interpretive Center are located within a designated seismic hazard zone, and near what are designated as "probable landslide zones." Despite acknowledging these hazards, the geology and soils section concludes that the overall risks and hazards for people and properly are less-than-significant. A reasonable person standard would conclude that the geological and soils impacts of this project have been inadequately addressed.

Oakland's General Plan OSCAR safety element (3.4-10) slates that regulations and programs lo reduce seismic hazards should be implemented and enforced. In this project, it appears that public safety seems to be put unnecessarily at risk with the current location of the gondola and California Interpretive Center. Greater study is needed and perhaps a revision of the project

design is likely needed given that gondola support structures and the California Interpretative are within a seismic hazard zone, near a probable landslide area, and close to the active, dangerous Hayward Fault trace. Coupled with the finding of a threatened Alameda whipsnake nearby, several elements in the proposed project should be redesigned, relocated or removed entirely. At a minimum, a full environmental impact report is needed.

3.5 GLOBAL CLIMATE CHANGE

Global Climate Change (GCC) is clearly a new development that was not addressed in the 1998 Approved Master Plan, so the proposed Amended Master Plan, if it creates any GCC impacts, would create new impacts not previously identified. According to the MND/A, however, the conclusion for all questions raised about GCC is that the project will have a less-than-significant impact and therefore no mitigation is required. However, Friends of Knowland Park believes there are important problems with the way potential GCC effects were appraised.

The assumptions on the basis of which the emissions figures were calculated appear faulty and/or inconsistent.

Studying the MND/A, as well as supporting reports, we find that the number one factor being analyzed and quantified in regards to the location of the project and the project itself is the emission of the greenhouse gas (GHG) Carbon dioxide (CO2).

The MND/A reports that in the Bay Area, fossil fuel consumption in the transportation sector is the single largest source of GHG emissions, accounting for over 50% of the total GHG emissions in the Bay Area. The GHG emitted from this source is CO2.

For the City of Oakland, the annual GHG emission is approx. 3million metric tons, all from CO2 (2005), and in Oakland, transportation accounts for an even higher percentage, namely 58% from the transportation sector, 22% from gas consumption, 16% from electricity and 4% from decomposition.

Both because of increased vehicle traffic and because of effecis on existing vegetation, this section is important to get right.

Vegetation sequesters CO2. Knowland Park, containing three important protected habitats, namely Oak Woodlands, Riparian, and Grassland, is currently a significant source for GHG sequestration and is thus a contributor to climate control.

One question discussed in the MND/A is whether the change of vegetation due to tree removal and replanting of trees changes the CO2 sequestration capacity and consequently contributes to CO2 emissions significantly. Based on the interpretation of the available

resources. including a report from ENVIRON. the lead agency determined that the impact of stationary and other than stationary sources of CO2 emissions from the project will stay below the significant threshold of 1.100 metric tons/year (BAAQMD) and that therefore the impact on Global Climate Change will be insignificant.

After careful study of the provided data analysis by Environ and the Table 3.5-3 on Page 3.5-18 of the MND/A, we find that:

The number for GHG emission Annualized Vegetation, of 6 tons CO2e/ year is not supported by the data of the report and appears to be a mistake.

The ENVIRON Report gives two different numbers in different context.

1. 390 metric tons CO2e/year. as the total one-time equivalent CO2 emissions attributable to the net change of vegetation. This is explained in the report as the difference between the total before-project sequestered CO2 and the after-project sequestered CO2 is the one-time CO2 released from clearing the vegetation less the CO2 sequestered by new plantings.

In a later paragraph these 390 tons are coupled with

2. 274 tons of CO2/year sequestration potential of 370 new trees, which the Zoo intends to plant.

While the first number of 390 is based on the acreage of different land types and the land type applied CO2 sequestration capacity, including new planting, the second number of 274 is based on the assumed number of 370 replanted trees.

It appears that because these two numbers are of differently defined categories they cannot be combined in one equation. Furthermore, the difference of -116 tons of CO2 sequestration capacity or 116 tons of CO2 emission reported does not appear in the table. There, this number is listed as 6 tons.

It also needs to be explained why 274 tons CO2 sequestration are being deducted again from the 390 tons of CO2 emission, when the CO2 sequestration from new plantings is already supposedly included in the 390 tons CO2 emissions figure.

This is important, because 390 tons CO2 emission per year from Annualized Vegetation would increase the GHG emission from the project to 1,239 tons, which is well above the BAAQMD CEQA threshold of Significance.

Furthermore, while the proposed mitigation measures require replanting of protected trees, several of the trees identified for removal are over 2 1/2 feet in trunk diameter. Even if the Zoo plants the 370 new trees as identified in the ENVIRON report, these are all slow to moderate growing trees and it could take decades to replace the loss of mid-mature to mature oak trees and their CO2 sequestration capacity. This and other factors call into question the assumptions made in the technical calculations about disturbed land returning to its original state, which is used to justify not calculating the CO2 removal rate associated with project disturbances and removal of vegetation.

While the lead agency argues that, because the Bay Area Air Quality Management District CEQA Guidelines do not contain recommendations regarding whether to include GHG emission from vegetation in an emission inventory, and thus the presented analysis is conservative, this is a rapidly evolving regulatory sector and it is realistic to assume that while this project is being reviewed existing recommendations may change further. We question why data from CO2 sequestration potential should not be included in analysis, when a quantification method has been already identified, obviously for the reason that CO2 sequestration potential plays an important role in the reduction of Greenhouse Gas emissions.

The inconsistencies make it impossible to adequately evaluate whether the environmental impacts on GCC are significant. The numbers need to be verified, because this could change the annual total GHC emissions from the project to above the threshold of significance. We also note that the ENVIRON report accepts Zoo estimates about acreage types for sequestration potential. These figures should be independently verified.

Even if the verification of the quantitative value of Annualized Vegetation confirms that it is less than significant, we still intend to challenge the removal of mature native species trees, namely Coastal Live Oak in Knowland Park, because Native Oak Woodland is a protected habitat by definition in the General Plan of the City of Oakland.

The City of Oakland's interest in the advantages of the project, in regards to revenue, research, education and entertainment, conflict with its responsibilities as the lead agency for the environmental planning process of the project. It is important that the City respect its own regulations for the protection of native habitats.

Fifty-one native species trees are identified for removal, most of which are mature trees, older than twenty years. Because Live Oaks are moderate growth trees, it is conservative to assume that some of the Oaks with a trunk diameter over two feet are close to fifty years or older. An arborist would be able to verify this statement, yet we don't find in the MND/A any information on the estimated age of these trees.

Furthermore, 110 Live Oak trees are identified as standing within only ten feet of the construction during one or more of the four construction phases. The MND/A states that this poses a significant risk of damage to the trees, which means that the net loss of native Live Oaks may be much greater than 51. Yet it identifies the presence of a certified arborist on site during construction as a sufficient measure to mitigate this problem. The mitigation measure is questionable, because mere practicability suggests that an onsite change of plans during construction, to save the existence of a tree, is highly unlikely. In addition, the damaging effects of trampling of root systems, removal of understory vegetation, spillage of fuel and construction-related chemical substances, and others may not be visible immediately.

Experience and the acknowledgement of human psychology makes it conservative to assume that once construction begins, the project will be pushed forward and an onsite consulting arborist will be pressured into approving any necessary action required to not hold up construction deadlines.

3.6 HAZARDS AND HAZARDOUS MATERIALS

Omission: Serpentine

Serpentine is present in the area of the proposed Amended Master Plan development. Serpentine is a naturally occurring mineral that can contain asbestos. As long as it remains undisturbed, it is not considered hazardous to human health. However, surface grading operations can disturb serpentine, releasing airborne asbestos fibers, which can cause mesothelioma, a fatal lung disease. The California Air Quality Resources Board includes serpentine in its Asbestos Airborne Toxic Control Final Regulation Order for Construction, Grading, Quarrying, and Surface Mining Operations [http://www.arb.ca.gov/toxics/atcm/asb2atcm.htm]. Bay Area Air Quality Management District Regulation/Rule 11-14 suggests that a registered geologist should determine whether serpentine is present and in what percentage. In addition, air monitoring plans during construction should include this aspect.

The proposed Amended Master Plan animal exhibit areas, which are noted to be in areas of shallow bedrock, are likely to include serpentine deposits. In addition to the issue of release of asbestos fibers during construction of buildings, boardwalks, etc., the enclosure of digging animals such as wolves within the area could contribute to ongoing release of asbestos fibers.

This also has implications for all areas of grading, including the proposed widening and gravelling of the emergency access road through the remaining parkland areas, which could potentially result in releasing airborne asbestos fibers from existing serpentine deposits. While it is possible that the serpentine on the site is not the type that contains asbestos, this has apparently not been determined by a registered geologist. The potential serpentine hazard issue does not appear to have been specifically assessed or addressed in any way in the

MND/A. A full EIR should include addressing this issue with an assessment of the presence or absence of asbestos-containing serpentine, and if present, its content percentage, within any proposed areas of disturbance.

3.7 HYDROLOGY AND WATER QUALITY

This section of the MND appropriately describes the array of agencies and legal frameworks that will constrain point and non-point pollution, sediment loads and other aspects of water quality and flowage. However, the lack of full project details makes public comment difficult despite extensive mapping and conceptual engineering supplements.

Five specific problems, however, are contained in the hydrological and water quality report. First, it obfuscates the long-term problem of flooding into nearby residential areas, especially Hood Street. Second, it fails to deal with the implications of the new finding of an Alameda whipsnake on the project site. This is understandable but leads to notable omissions. Third, it tends to present mechanistic, engineered solutions for dealing with runoff from the vet building but fails to present ecological alternatives that would be more compatible with the park environment. Fourth, it fails to assess the cumulative impacts that stress existing but inadequate systems for protecting Atroyo Viejo, especially those that deal with Zoo projects constructed since the 1998 agreement. Finally, it includes vague rather than precise project plans when discussing the California exhibit. This makes public assessment difficult.

Below is a discussion of these issues.

1) Flooding in the Hood Street Area

Through the comment period of the 1990s, local residents vigorously described long-term flooding from Knowland Park into the nearby neighborhood. The area of particular concern is the Hood Street area where backyards were often involved. Through numerous discussions, residents became convinced that the City of Oakland would take action to stop this unacceptable damage to their private property.

How is this presented in the MND? Although acknowledging neighbors' concerns about flooding, the report uses misleading language in defining how the new project will or will not lessen the flooding problem. Here is an illustration. In the summary of environmental impacts, the report poses the question, "1) Would the project expose people or structures to a substantial risk of loss, injury of death involve flooding?" Succinctly, here is the answer: "Neither the proposed Master Plan amendment nor the approved Master Plan would expose people or structures to substantial risk of loss, injury or death from floods. See discussion under Criterion d above." (3.7-31) What docs Criterion d suggest? "The proposed Master Plan would not result in substantial flooding on- or off- site" because there would be no net

increase in peak stormwater flow, or again, "post-project flows would not exceed pre-project flows" (3.7-28).

This elaborate discussion avoids drawing attention to the fact that flooding in the Hood Street area will continue. The Aliquot Study published in 2010 (contained in the Appendix), makes clear that new hydrological mitigations will reduce the amount of flooding, possibly keep it at the current level, but not curtail flooding altogether (Aliquot, p. 3). The public can easily misconstrue or misinterpret the project plan, and erroneously assume the flooding will be stopped.

In fact, not only should the language be made clearer, but the project should also be required to present plans to end the flooding into the Flood Street area. This is both a public safety and health issue, and likely leads to property devaluation for nearby residents. As the upstream property owner, the City of Oakland appears to be responsible for seeing that this is done. Omission of a real solution to flooding in this area suggests that the hydrological section needs to be amended.

2) Alameda Whipsnake—New Findings

The hydrological study was prepared and completed before the release of the biological report released in January 2011 (in the MND/A appendix). It therefore cannot adequately address the fact that the Alameda Whipsnake, listed as a threatened species on the state and federal levels, was found at the proposed project site. Although it has been understood that potential whipsnake habitat existed near the proposed Visitor Center, Gondola, Amphitheater, and Campground, the fact that a snake has actually been found moves the level of discourse to another level. Although not part of the U.S. Fish and Wildlife critical habitat list, it is possible that the snake found is not related to one of the existing small number of populations currently known, and would therefore have even more ecological value.

As a result of all these considerations, the hydrological study needs to be expanded and revised. Indeed, the removal of the Amphitheater and relocation of the Visitor Center (both recommended in the current report Appendix) are likely outcomes of the whipsnake find. Even so, there are other implications of preserving the whipsnake habitat and access to local surface water needs to become a still higher priority since the snakes are not thought to migrate over long distances.

There is even a written commitment to preserve whipsnake habitat in the 1998 Final Agreement (131). According to the agreement, Alameda Whipsnake habitat to the north of the California Exhibit will be maintained, in perpetuity, on the land "owned by the zoo." {Friends of Knowland Park notes that the repeated use of this terminology is very misleading to the public, since the City of Oakland owns all of Knowland Park and the Zoo. However, from a legal perspective it is clearly intended to require the Zoo to maintain whipsnake habitat within

its boundaries. } After the recent finding of a whipsnake, it is clear that the land involved is no longer "to the north" of the California exhibit in the Proposed Amended Master Plan, but actually *within* the California exhibit. This additional acreage within the current project site land should thus come under the contractual agreement for preservation in perpetuity, and this calls for a new level of extended hydrological survey. This also suggests that the existing hydrological features of this area should not be distorted by large scale impervious surfaces such as attend the proposed interpretive Center and Gondola Terminus, boardwalks, gondola support structures, etc., or compaction of the soil due to construction and facility foundations, or from the usage by hundreds of thousands of visitors.

Since, as noted above, the zoo owns neither the land, nor buildings, nor animals at the Knowland Park facility, it is assumed that the reference in the 1998 Final Agreement (131) should have been to the City of Oakland, since the city does own the land, buildings and animals. Therefore ultimate responsibility for whipsnake and whipsnake habitat preservation rests with the City of Oakland, not the East Bay Zoological Society, and as the Lead Agency for this project, a full Environmental Impact Report under CEQA is required to address this issue.

3) Re-Engineering the Watershed

In dealing with specific buildings such as the Vet Hospital, the report presents several heavily engineered projects that would substantially increase the extent of piping and artificial detention facilities in the watershed.

With regard to the major downstream impacts of the Vet hospital and road to California, for instance, the report focuses mainly on the flow into existing drainage systems called the North System and South System. Both consist of piped (underground) systems installed in the 1980s. Although the pipes have been enlarged from 18 inches and 24 inches up to 36 inches, "the overall systems [here] remain undersized to convey flow from the 10 year storm event" and indeed, complaints of flooding are reported (Addendum, Aliquot, p. 6). Most often, the backwater condition occurs at the inlet of an 18-inch pipe in the creek within the neighborhood to the southeast (see Figures 1 and 2). However, both the North and South Systems are deemed inadequate to handle the 10-year flow, and some of the water flows directly into the creek channel in that area.

Indeed, without enlargement of the entire pipe system that runs through the Sun Bear, Children's zoo exhibits and then discharges directly into the Arroyo Viejo open channel at Golf Links Road, the main alternative appears to be a detention facility upstream. Notably, the reports concludes, "It is prudent not to divert additional drainage from the Veterinarian Hospital to the South System to avoid exacerbating the back water condition in the neighborhood to the southeast of the parking lot where the area of flood occurs" (Addendum, Aliquot, p. 8).

Instead, the report suggests that increased flow resulting from the Vet Hospital will be "compensated" by detention facilities near the building itself [1] The creek drainage here will be reengineered into a series of cascading pools and large detention storage structures close to the Vet building. This highly engineered approach, which includes a four-foot high wall to separate the building site from the creek, suggests how much the native character of the site is being converted into an increasing mechanized urban landscape. Piping of flow for discharge into the Arroyo Viejo channel downstream is partly envisioned.

The report does not adequately address alternatives that would be more suitable to the preservation of the existing parkland habitat. Undergrounding will result in loss of rare creekside habitat, impinge on wildlife access to freshwater, and will be hidden from future public awareness. Undergrounding of creeks and destruction of creek habitat is also contrary to the goals of the Oakland Creek Ordinance. Preservation and setbacks are defined goals for property owners in that document. Indeed, "daylighting" of urban creeks has been proposed former Oak Knoll Naval Hospital property nearby. Given a multi-million dollar cost for daylighting a short portion of Rifle Range Branch of Arroyo Viejo there, how can the hydrological report so easily adopt undergrounding as a solution al Knowiand Park?

In short, the report should include examples of ecologically sensitive designs for dealing with runoff from the Vet hospital.

4) Omission of Cumulative Impacts since 1998 Agreement

According lo the Addendum (Aliquot, p. 7): "purpose of this report is not to analyze for repair or lo upgrade the existing inadequate Zoo drainage systems but to show thal post development flows are not increased and thus do not impact Arroyo Viejo Creek at Golf Links Road". Yet, a number of the changes that were made to the East Bay Zoological Society use of Knowiand Park since the 1990s have already had the potential to negatively impact on the quality and volume of water in Arroyo Viejo Creek. These are not analyzed in the currenl report, a glaring omission since the concept of the cumulative conditions should be expanded to include them, especially those associated with the Knowiand Arboretum area.

The issues of particular concern in the Arboretum are the overflow parking area, maintenance facility and manure composting site.

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[1] At one point, a large detention facility to regulate 15-year and 100-year flows was being studied (without public knowledge) for a site in a "depressed lawn area near the entrance gate to the Zoo, just north of the entrance drive of the lower parking lot" (Addendum, Aliquot, p. 8). This would have placed the detention basin in Knowland Arboretum near the main open channel of Arroyo Viejo. Although the arboretum basin was abandoned because the SD was undersized, this example shows exactly how difficult it is for the public to monitor and respond to proposed hydrological projects, especially when such projects would negatively impact the character and survivability of ecosystems in areas that were previously preserved due to historical or biological significance.

(a) Vehicle Parking & Maintenance Facility

Previously a picnic area and tree preservation area, Knowland Arboretum has become an overflow parking area for the zoo since the 1990s. Hundreds of vehicles are routinely parked at the base of the historically significant trees, and there is no evidence of controls that would prevent oil and gasoline flows to the ground and surface water that drains into the nearby main open channel of Arroyo Viejo Creek. Nor is there evidence that soil compaction due to vehicle parking has been analyzed for damage to the existing trees in the preserve.

Similar potential hydrological impacts from the maintenance facility, built in the 1990s near the old farmhouse in Knowland Arboretum, appear to be unstudied in their relation to nearby Arroyo Viejo.

(b) Manure Composting

The large manure composting facility at the Zoo, formerly located on the south side of the park near Malcolm, was moved following the 1998 agreement, and is now much closer to the main Arroyo Viejo channel adjacent to the Knowland Arboretum. Indeed, hundreds of tons of manure are now composted outdoors under loose tarps. This poses a potential significant source of bacteria, microorganisms and other pollutants to enter Arroyo Viejo Creek and then be transported through downstream residential and commercial areas before entering San Leandro Bay at the Martin Luther King Shoreline Park. In fact, the Arroyo Viejo Channel flows directly into a portion of Martin Luther King Park currently being restored to protect threatened bird species.

Given that much of the manure is from exotic mammals and there are a large number of downstream public-use and conservation resource areas, the issue is real. Both humans and aquatic habitats may be at risk, but the issue is omitted and this is surprising. When the manure composting facility was on the Malcolm side of the park near homes, efforts were made to divert outflows into a sewer system leading to the water treatment plant. To date, it is not clear from the report that a similar effort has been made to divert pollution from the parking lot or manure facility in Knowland Arboretum to the treatment plant or to even monitor the problem. State and federal water quality regulations may also apply here. Given that the Zoo intends to continue to rely on this area for parking, and that there is a projected increase in vehicular attendance, this issue is relevant and required to be considered as part of a full Environmental Impact Report on the Amended Master Plan project.

5) Vague Rather than Precise Project Plans

Throughout the hydrological report, it is clear that several aspects of the final treatment plans, calculations, basin sizes, and actual methods are being left to the future. The document neatly outlines the possibilities but in many cases falls short of providing details on the actual project dimensions and details. For example, where water comes into the detention basin, the

amendment mentions there will be a series of step pools. The report does not call for these pools to be rocked and/or vegetated to reduce erosion and head cutting. SCA-Hyrdo-5 under b) calls for seeding with "fast growing annuals" for erosion protection. These should be required to be natives, but this is not fully specified.

With regard to the California exhibit, the project is expected to create about 1 additional acre of impervious surface. However, the report merely lisls landscaping swales, roof gardens, and other mitigating measures as possible ways to deal with the increased flows. Instead of a unified project plan, various treatment options are provided. This makes comment difficult.

It is also noted that Simulation Figure 3.1-3b, placed in the Aesthetics section, appears to show an area of water outside the perimeter fence at the center of the photo that does not show in the "Existing view" photo above. This is nol now an area where there are existing hydrological features, suggesting there may be plans to place further detention ponds or other constructed drainage sites outside the fence in the parkland area, which would create impacts lhat do not appear to have been addressed in the MND/A. If so, placement in this location would appear to violate the Resource Conservation Area zoning for this area and could raise other issues with local, state, and federal water regulations. This also appears to be very close to the proposed location of the pedestrian hiking trail. However, the inadequacy of the simulations and the lack of detail about this in the MND/A make it impossible for the public to determine what this feature may be.

HYDROLOGY SUMMARY

Despite providing a comprehensive review of the agencies qualified to oversee the hydrological aspects of the new project, the report has some key areas of inadequacy. First, the report is needlessly opaque in describing how flooding into the Flood Street neighborhood will be treated. The project currently aims to reduce (or perhaps inadvertently maintain) the current level of flooding, since the goal was to deal with any net increase in water flows. However, this is not sufficient—the report should also detail plans to stop flooding of the nearby homes.

Another fiaw with the report lies in its inability to address the hydrological implications of the finding of the Alameda Whipsnake, in 2011, near the proposed visitor center and amphitheater. A significant redesign of portions of the hydrological and water quality section must be done to ensure that the newiy identified crucial habitat is not degraded or lost.

Third, the reporl details large-scale plans for undergrounding portions of stream channels and creating concrete or other detention devices particularly in the Vet building area, but does not address other alternatives that would be more ecologically sensitive to preserving creek corridors, creek subsystem habitats, and drainage in what is one of Oakland's most important natural resource areas (See OSCAR).

- Recreational facilities or the construction or expansion of recreational facilities that might have an adverse physical effect on the environment [3.8-11]

It is our opinion that many of these criteria militate against approval, yet the draft MND concludes that there would be no significant impacts from the project, even on a cumulative basis. This conclusion is based on unsupported claims and assertions, as demonstrated in the following comments.

1) Fundamental conflict between adjacent or nearby land uses

Many people in the neighborhoods adjacent to the zoo bought or rented their property in part based on the reasonable expectation that there would be no further development of the parkland open space given the existing legal agreement under which the state transferred Knowland Park to city ownership provided it would remain as open space *in perpetuity*.

Policy I/C4.2 provides that potential nuisances for residential land uses should be minimized. Paradoxically, the proposed Amended Master Plan characterizes Knowland's remaining open space as a "buffer" for nuisances, when the new structures, human activities, and animal exhibits, which will now more closely adjoin the highlands, actually increase the risk of wildfire, as well as noise pollution and light pollution, for adjacent neighborhoods. In addition, increased zoo attendance will increase traffic congestion as well, multiplying the threat to public safety in areas where there are very limited evacuation routes. To the extent that natural water flow and drainage will be further disrupted, and land cut and graded, flooding and landslide risks will also increase. Therefore, the expansion plans are in conflict with this policy.

The residents of adjacent neighborhoods have objected to the expansion for years, and even the existing Approved Master Plan was a compromise to minimize nuisances and safety risks. That agreement was believed to be binding on the City; it now appears that it was only binding on the neighbors. Although the net acreage affected has been reduced slightly, the exhibits and facilities have been moved to a higher elevation, and have been greatly enlarged. This creates a conflict with the letter and spirit of that contract.

The remaining open space in the Park is a separate land use – albeit under the same city ownership -- and ought to be recognized and respected as such. The proximity of such aggressive new development of the zoological park, which will limit historically *free* access in and out of the undeveloped portions of the park and detract from the unfettered experience only true open space can offer, creates a fundamental conflict with its intended use. (OSCAR REC-2.2) As noted above, the transfer of the park from the state to Oakland was premised on the understanding that *no* development other than the original arboretum and "zoological gardens" would occur there. Now, the zoo is instead proposing to protect a small fraction of what is *already* open space, but within the confines of its new perimeter fence, as open space!

Given the checkered history of agreements made and broken with respect to Knowland Park and the zoo, the residents of this city can no longer be expected to take such promises at face value.

2) Fundamental conflict with land use plan, policy, or regulation

The draft mitigated MND dedicates a 20-page chart to this criterion (3.8-14 et seq.), and finds that there is not *one* inconsistency between the amended master plan and the hundreds of General Plan policies deemed relevant. This is simply not credible. Many if not all of these policies are discussed elsewhere in these comments in depth, but a few can't be repealed too often.

First, a major objective of OSCAR (CO-7) is to "minimize the loss of native plant communities ...and to preserve Oakland's trees *unless there are compelling safety, ecological, public safety, or aesthetic reasons for their removal.*" None of these compelling reasons is present in this case. There are alternatives lo the current plan that would permit expansion, yet reduce the number of protected plants and trees that would have to be destroyed for the project.

Second, OSCAR calls for the protection of wildlife. (CO-9) It has been documented that Alameda whipsnakes, Oakland star tulips, bristly leptosiphon, and a variety of special status birds and insects, are present in the disputed land. For this reason, environmental advocacy organizations such as the Sierra Club and the California Native Plant Society have argued, along with Friends of Knowland Park, that full environmental review of the revised project is required to save these creatures.

Third, and most compelling, if land use policies concerning issues like unstable geologic features and slide hazards aren't honored to the letter, it isn't just plants and animals that will be harmed: People will be injured or killed, too. Leaving it to a soils engineer to decide later whether the visitors' center or gondola tower should be 10 or 15 feel to the right or left will not suffice in an active earthquake zone. If this were a high school stadium project, the most exacting standards of review would be applied – the people would not stand for less. The zoo project is first and foremost a project for people, and it is the duty of the Oakland Planning Department to see to it that the people are protected, no matter how popular the proposed development.

3) Fundamental conflict with any applicable habitat or natural community conservation plan

The draft MND declares that buildout according to the amended Master Plan would not conflict with a habitat or conservation plan because *no such plans apply to the Master Plan*

area. (3.8-36). This type of simplistic, circular reasoning effectively negates the possibility of any meaningful environmental review of the project.

OSCAR Policy REC-1.3 strongly discourages non-recreational buildings, like the Interpretive Center, in parks. (Also, C0-9.1) The city has assumed that this policy does not apply because it exempts development in accordance with an approved Master Plan. However, this particular proposed development is not in accordance with an approved Master Plan; in fact, quite the opposite is true: The Zoo is seeking to amend the approved, 1998 Master Plan precisely because the type of development it wants is not in line with that plan.

For example, the interpretive center that is under consideration now is a vastly larger structure than what it was in 1998 – over 34,000 square feet, including a footprint of 13,300 square feet. The previously approved proposal called for a low profile 7500 square-foot one-story building encompassing an area of 0.23 acres. The new proposal calls for a three story building encompassing 0.36 acres. The new proposal also calls for offices that are not needed to house new employees, who would be relocated there from existing office space. This is a serious land use issue. Oakland should not be giving up prime public ridgeline space for private offices. The building should be reduced in size, perhaps by eliminating the third story, which would still allow the wonderful vistas to be seen from it and would reduce its visual impact as well. While the design is intended to be low profile, the building should not protrude above the existing ridgeline at all.

If the expansion project were viewed as a fresh attempt to develop parkland today, the conclusion of the draft MND would have to be very different: There is no "master plan." The Resource Conservation Area designation in Oakland's General Plan, which applies to the undeveloped portions of Knowland Park, "is intended to identity, enhance, and maintain publicly-owned land for the purpose of conserving and appropriately managing undeveloped areas which have high natural resource value, scenic value, or natural hazards which preclude safe development." (3.8-2) The perimeter fence is still an abstraction at this point; its route has yet to be settled. Nevertheless, the zoo wants carte blanche to develop the land inside that arbitrary line – wherever it ends up being. But the reality is that the land on both sides is sfill undeveloped (3.8-9). Since the lead agency has declared that it is reevaluating the environmental impacts of the project under current guidelines (1-2), its failure to do so in a meaningful manner is unacceptable.

4) Construction or expansion of recreational facilities that might have an adverse physical effect on the environment

Contrary to the conclusion of the draft MND (p. 3.8-38), there are many more recreational features in the proposed amendment to the master plan than were originally contemplated by the city in 1998. The new visitor center, discussed above, and the new people-mover and amphitheater, are just a few of the elements that will seriously disturb natural landforms and

materially alter views and ridgelines. (OS-9.1) The gondola ride will be built on eight towers from 40 to 60 feet tall -- towers which will rest on concrete pads that are so large, they will have to be airlifted in. And, while the buildout of the amended Master Plan technically would not "obstruct" panoramic vistas of San Francisco Bay and the city skylines (OS-10.1), these structures will be directly in the line of sight to the Bay from the upper knoll. (OS-10.1) The airbrushed simulations provided by the Zoological Society do not do the new view justice.

CONCLUSION

While no one disputes that more visitors attend the Zoo yearly than come to walk, hike, and picnic in Knowland Park, the "park use survey" (p. 3.8-10) is misleading and nonscientific. Conducted during the rainy/muddiest season of the year with no formal methodology, it is scientifically inadequate to support any useful conclusions about park use. The description of usage being "limited to a few hikers or dog walkers" is not only dismissive, but also somewhat disingenuous, since the Zoo staff explicitly tells people who inquire at the gate that the area is not open for hiking, the park, inexplicably, is not listed on the Oakland parks website, and there are no benches or tables for picnicking, etc. Even so, Knowland Park is also used by birders, orienteering events, naturalists, and children exploring the rock formations and seasonal pools, and among these people, it is very highly prized.

More important, the sheer number of users of open space is not the best measure of its value – quite the contrary. The fact that this urban park is not crowded, noisy, or commercialized is what makes it so worthy of continued protection. The zoo has a vital role to play in our society, and improving it, and encouraging more people to attend, are important goals, but they are goals that can be achieved without sacrificing Knowland Park's other blessings, simply by applying better planning principles.

3.9 NOISE

The MND/A for the proposed Amended Master Plan project does not adequately explain noise level monitoring and mitigation. It leaves out important areas from which noise levels should be appraised given the proposed siting of the project.

The existing zoo is nestled in a basin at the lower end of Knowland Park near I-580. The undeveloped reaches of the Park to the north of the proposed site are presently shielded from the noise generated by the existing zoo, as well as most traffic noise, by the intervening ridge of hills and trees. As it is now, the Park's open space provides Oakland residents who visit the park with an easy escape from the noise and congestion that pervade much of the City due to the existing freeways. People can walk in the woods, or watch the sun set over the Bay, in relative peace and quiet. The previous Approved Master Plan, as noted under Aesthetics, had minimal impact on the area on the east side of the ridgeline because the majority of exhibits were located on the side closer to the existing Zoo. Under the proposed Amended Master

Plan, this would radically change: Because the majority of new animal exhibits, walkways, animal houses, play areas, etc. would extend well past the ridgeline toward the east, all the noise generated by animals, crowds, outdoor classes, and activities for children will carry into the park highlands unimpeded. These noises are likely to be sudden, erratic, and occasionally startling.

According to the draft MND/A, the *only* "primary noise sources" *in the vicinity* of the project at this time are traffic and existing zoo operations. (Vol. 1, p. 3.9-9.) With the expansion, new sources of noise would include:

1. Animals such as bears, big cats, wolves, birds of prey
2. Elevated Viewing Walkways
3. Aerial Gondola "People-Moving" System
4. California "Interpretive" Center (Visitors' Center)
5. "Small Exhibit Activity Zone" (Children's Play Area)
6. "Interpretive Kiosk" (Open, shaded, interactive Exhibit Structure)
7. "Botanical Exhibit (Interpretive Gardening Center)
8. Open Air Amphitheater (Animal Shows & Children's Programs)
9. "Overnight Experience" (Family & Group Camping Area)

The draft MND/A nevertheless concludes that the noise produced by this project would not have a significant impact on the tranquil environment in the Park. (Vol. 1, p. 3.9-29.) The evidence supporting that conclusion is incomplete, ambiguous, and unsupported.

For example, under CEQA, a project that results in a 5 dBA increase in ambient noise levels when compared with preexisting levels is deemed to have a significant impact. (Vol. 1, p. 3.9-16, item (h).) The draft MND/A's finding that it would not do so in this case (Vol. 1, p. 3.9-26) is based on measurements taken in three locations *to the south* of the project near the existing zoo and adjacent residential areas – areas near the freeway that are already developed and subject to higher baseline levels of noise (Vol. 1, table 3.9-4, fig. 3.9-2). As a result, those measurements cannot provide an accurate baseline for assessing whether there would be a significant *increase* in the ambient noise level in the undeveloped portion of the Park due to the noise generated by the project.

In addition, CEQA provides that the project has a significant impact if it violates the Oakland Noise Ordinance with respect to operational noise. (Vol. 1, p. 3.9-14, item (b).) The draft MND finds that the project is compliant without ever defining "operational noise": *"The*

combined daily operations resulting from the buildout of the amended Master Plan, including the Veterinary Medical Hospital, gondola people-moving system, California Exhibit, and service road, were evaluated to determine daily operational noise impacts." [Vol. 1, p. 3.9-17.]

Is one to assume that "daily operations" are confined to things like greasing the cables on the gondola and shoveling manure in the bison enclosure? Or do daily operational noise impacts also include noises like an elephant trumpeting when it awakens suddenly from anesthesia at the animal hospital or a child screaming because he dropped his stuffed giraffe getting into the gondola? These are important distinctions, and they could be determinative: The daytime operational noise limit under the Oakland Noise Ordinance is 60 dBA. (Vol. 1, p. 3.0-17; table 3.9-1, p. 3.9-7.) The highest measurement taken for the purpose of "modeling" future noise emissions was 59.8 dBA at a receptor along the proposed public access path right outside the new perimeter fence. (Vol. 1, p. 3.9-14; see fig. 3.9-3, table 3.9-6 [additional "operational noise data" was supposed to be supplied in Vol. 2, App. J-1, which appears to be a traffic study].) This constitutes a slim margin, raising serious questions about whether the project's noise impacts have been adequately evaluated.

A further criterion for significant impact under CEQA is whether the project generates noise levels exceeding standards established in the Oakland General Plan. (Vol. 1, p. 3.9-14.) Attempting to apply this standard, the draft MND finds that the project would not conflict with Oakland's land use/noise compatibility guidelines. (Vol. 1, p. 3.9-16; see also 3.9-28.) Two land use policies are cited:

> *"Policy 1: Ensure the compatibility of . . . proposed development projects not only with neighboring land uses but also with their surrounding noise environment."*

And,

> *"Policy 3: Reduce the community's exposure to noise by minimizing the noise levels that are received by Oakland residents and others in the City." [Vol. 1, table 3.8-1, p. 3.8-31; see also p. 3.9-7.]*

The draft MND reasons that the project is *consistent* with these policies because "traffic and other operational noise from the buildout of the amended Master Plan would not result in conflicts with the land use/noise compatibility guidelines. (Vol. 1, table 3.8-1, p. 3.8-31; see pp. 3.9-16 – 17.) This assumes that the open space in Knowland Park is the same land use as the Zoo, and that visitors to that space may be subjected to the same level of noise that zoo patrons can. These assumptions are erroneous.

According to the draft MND, the community may "normally" be exposed to up to 70 dBA at a playground or neighborhood park like the Zoo. (Vol. 1, fig. 3.9-1; see p. 3.9-28, (i).) The lead agency has determined that the project will not expose patrons of the Zoo to more than that.

(See Vol. 1, p. 3.9-16 (a).) However, the operational noise limit for "civic uses," such as the remaining open space in Knowland Park, is only 60 dBA. (Vol. 1, table 3.9-1, p. 3.9-7.) Therefore, if the zoo were to emit more than 60 dBA into the open space in Knowland Park, it would certainly violate the land use policies cited above.

Moreover, the community noise exposure compatibility guidelines are just that – guidelines. They lay out the parameters for what is "normally" acceptable, "conditionally" acceptable, and so forth. (Vol. 1, fig. 3.9-1.) But the noise element in the General Plan "recognizes that some land uses are more sensitive to ambient noise levels than others, due to the amount of noise exposure (in terms of both exposure duration and insulation from noise) and the type of activities typically involved." (Vol. 1, para. 3.9.3.1, p. 3.9-5.) Knowland Park has been singled out for special praise among all of Oakland's parks, and this particular "sensitive receptor" (see Vol. 1, para. 3.9.4, p. 3.9-11) deserves an even higher level of protection than the strict word of the ordinances and regulations might suggest, particularly given the identified presence of special status species and multiple types of other wildlife that use the park as habital and hunting grounds.

The undeveloped land in Knowland Park is not the same land use as the zoo, but a "neighboring land use." Therefore, if the city did not minimize the noise levels emitted by the project to protect Knowland, then that would create a *fundamental conflict* with adjacent land uses -- in other words, *a significant impact*. (See Vol. 1, p. 3.8-12.)

The proposed mitigation measures require monitoring of noise during construction and operations under SCA-NOISE-4. However, who will monitor the noise, how often, how noise levels will be reported back to Planning and Zoning or other agencies are not specified.

In light of the inadequacies in the lead agency's environmental review of various noise elements of the project, its conclusion as to the cumulative impacts (Vol. 1, pp. 3.9-28 – 29) is also unsustainable.

3.10 PUBLIC SERVICES & UTILITIES

The 1998 Master Plan addresses Public Services and Utilities in 6 paragraphs on 2 pages in two questions:

- The first, #29 on page 48, asks if the project will have an adverse effect or place new demands on fire, solid waste disposal, police, schools, or parks, indicates that it will have a ' less than significant impact," and addresses the matter in 4 paragraphs.
- The second, #30 on page 49 asks if the project will impose a burden on existing roads, gas, water, electricity, and sewers, indicates that it will have a "less than significant impact," and addresses the matter in 2 paragraphs.

In contrast, the MND/A document devotes 44 pages to this topic, and each resource is addressed with abundant, and sometimes redundant, information in several sections. The presentation is inclusive of some new developments in the past decade, such as the potential of water rationing and inadequate wastewater treatment during wet weather events, but the project's impact on public services and utilities is not presumed to exceed what was in the 1988 Master Plan and it concludes, again, that the project's impact is "less than significant".

What is most striking about this section is what is missing.

In this age of alternative energy and sustainable building innovation, there is no attempt to decrease the project's dependence on ulilities. With the exception of composting toilets at the campsites and the intent to design the Veterinary Hospital according to LEED specifications, there is no indication of why the California Exhibit is not being designed or built according to LEED standards. There is no attempt to incorporate any alternative or sustainable means to address water needs, wastewater, storm drainage, or electricity. Principles of green building that were in their infancy in 1998 but are widely understood in 2011 have not been incorporated. In essence, it is an "old school" approach for a non-sustainable public facility dependent on utilities, and it puts all of its faith in EBMUD or PG&E to provide present and future conservation direction. However, in addition to the long term utility costs savings to be realized from green building, such building limits consumption of natural resources, in keeping with the conservation goals of the project.

3.10.1 PRIOR MND ANALYSIS AND CONCLUSIONS – addressed above

3.10.2 STANDARD CONDITIONS OF APPROVAL

3.10.3 UPDATED REGULATORY SETTING – discussed in section 3.10.5 if relevant

3.10.4 EXISTING CONDITIONS – discussed in section 3.10.5 if relevant

3.10.5 SIGNIFICANCE CRITERIA AND IMPACT ASSESSMENT—see below

3.10.6 CUMULATIVE IMPACTS

Section 3.10.5 is the counterpart to the 2 pages in the Approved Master Plan and it expands the initial 2 questions asked to 9. This section and the one below are broken down to address a particular service or utility and, in some instances, much of the same information is repeated. In some instances, this way of presenting the information obscures assessing it. For this reason, comments have been combined to address the current and future outlook of each service and utility that is addressed.

a) Provide new or physically altered government facilities, adverse impacts including environmental impact of construction to maintain acceptable fire or police protection

This summary of this section draws the conclusion that what is now proposed does not incur nor "create a new significant impact or increase the severity of impact." However, it does not address the environmental impact of the construction and maintenance of a new emergency access road it has proposed across remaining protected parkland, or the extent of vegetation that will need to be removed around the California Exhibit to comply with current fire regulations.

Fire Protection Services – Emergency Access

The environmental impacts of altering an existing FD Vehicle Access road off Snowdown Avenue by (1) widening it to 20 feet across (2) placing turnouts every 300 feet along its 1450 foot length and (3) surfacing it in gravel were not addressed in the Approved Master Plan. The document states that these changes "improve" what was initially approved, but the document does not address its environmental impact.

In contrast to the existing, narrower dirt road, what is proposed will increase the square footage of this road by over an acre (50,850 calculated from these figures and a 50' turning radius for a fire truck). Additionally, a gravel road will be noticeably visible and thereby disrupt the appearance of the parkland, as discussed above in more detail under Aesthetics. Moreover, it will necessitate ongoing maintenance, which will have additional impacts.

Because it was not in the 1998 Master Plan, this feature was not addressed in any of the discussions between the Zoo and the residents who expressed concern about the impact of the project. Although arguably it improves emergency access, it constitutes an addition that significantly alters the appearance of the Knowland Park areas adjacent to the proposed facility and may have other environmental impacts not addressed in the MND/A, including those discussed under Biological Resources and Hazards.

Fire Protection Services – Risk Reduction Measures

This section does not state how addressing the City of Oakland 2004 Wildfire Prevention Assessment District (mentioned in 3.10.3.2) will impact the area. Requiring a 30' to 100' defensible space around all buildings could substantially increase the footprint of the California Exhibit as well as affect Alameda Whipsnake habitat.

b) Exceed wastewater treatment requirements of the San Francisco RWQCB

e) Result in a determination by the wastewater treatment provider that it does not have adequate capacity to serve the project's projected demand

These sections are addressed collectively, as the same concerns regarding sewer infrastructure improvements are raised, which is further discussed at length in sections 3.10.4.4 and 3.10.6.4. The Veterinary Medical Hospital (VMH) and California Exhibit (CE) are estimated to generate 8.1 million gallons of wastewater per year. The main issue of concern is that the

RWQCB has inadequate capacity to treat EBMUD discharges during wet weather events. As stated on p 3.10-25, "the issue of wet weather capacity has been particularly critical since 2009, when the RWQCB issued an order prohibiting future discharges from EBMUD's wet weather facilities." It is concluded that the project's impact on this situation will be "less than significant".

The determination that impact of wastewater during wet weather is "less than significant" is based on the premise that, in addition to the Zoo's compliance with EBMUD's Sewer System Management Plan, that other future construction projects that are downstream of the Zoo's waste will take place and similarly implement EBMUD's plan. It is uncertain whether or not there will be future projects given that this part of Oakland has been developed for many years, and it is questionable whether any large redevelopment projects will occur in the future for a variety of reasons, not the least of which is the state of California's economy. Consequently, there is no guarantee that existing EBMUD's main wastewater treatment plant will be able to accommodate the wastewater that the proposed VMH and CE will generate during the wet season. Since the time of the 1998 Mitigated Negative Declaration there have been substantial advances in natural wastewater treatment systems, and that the Amended plan doesn't propose any is another missed opportunity to lessen the project's impact on utilities and, ultimately, the San Francisco Bay.

c) Require or result in construction of new storm water drainage facilities & construction impacts

d) Exceed water supplies available

The conclusion drawn is that existing EBMUD water entitlements and resources are adequate to supply it with the 7 million gallons/year of domestic water that it needs, and that the impact is less than significant even though it acknowledges that during dry years its needs cannot be satisfied.

In section 3.10.6 the proposed amendment acknowledges that future water supplies may be inadequate. The vision for addressing these issues when they occur is merely the stated intent to follow whatever water conservation guidelines EBMUD provides. The approach advocated is a missed oppottunity for incorporating a water reclamation system, such as rainwater collection, to address a serious, identified resource conservation need with contemporary building technology. The California Exhibit could get LEED points for implementing such a system if the plan were to have it be a LEED certified building.

f) Be served by a landfill with insufficient permitted capacity to accommodate it

g) Violate applicable federal, state, and local statutes and regulations related to solid waste

h) Violate applicable federal, state and local statutes and regulations relating to energy standards

i) Exceed energy provider's supply

The MND/A states that PG&E can meet the needs of the proposed Amended Master Plan project, and it anticipates that its ongoing needs are insured because PG&E is looking to use more renewable resources. There is no mention of using solar panels or any other means to generate its own electricity, a feature which could further reduce its impacts on Global Climate Change and would be consistent with the Zoo's stated emphasis on conservation education.

3.11 TRANSPORTATION AND CIRCULATION

The traffic section is incomplete and misleading for the following reasons:

- Several conclusions in the traffic study are based on untested assumptions, rather than data. The MND investigators assume, for example, that signalization installed at certain intersections after 1998 have improved traffic flows in the intervening time, without verification al certain peak times. This untested assumption is then integrated into the conclusion that the new project will result in no significant impacts.

- There is no analysis of the congestion that occurs between intersections #1 and #2 generated by cumulative impact of changes implemented since the 1998 agreement.

- There is a failure to analyze the cumulative impacts to be generated by other nearby large development projects and a possible new zoo panda bear addition.

Each of these issues, primarily resulting from omission in the study design, will be described in greater detail below.

1) Misleading Assumptions and Omissions Regarding I-580/Golf Links Road Intersections

Eastbound Off-Ramp

The #3 intersection of Golf Links Road/ I-580 Eastbound Off-Ramp/ 98th Avenue was signalized after the 1998 study with the expectation that it would then operate at acceptable levels during the PM peak hour (3.11-45). For the report authors, this expectation is sufficient to omit re-study of the weekend midday peak hour traffic al this intersection. Succinctly, "[w]ith signalization and the completion of the improvements in progress, this intersection [#3] was expected to operate at acceptable LOS C during the PM peak hour and was not analyzed during the weekend midday peak hour; therefore, no mitigation measure was recommended" (3.11-45). And again, "Neither the proposed Master Plan amendment nor the approved Master Plan would contribute considerably to a significant cumulative impact; therefore no mitigation measures are required" (3.11-46).

Yet, as is well known to drivers in the area, some of whom have repeatedly raised this issue to city planners, the situation has deteriorated considerably since the 1990s. Signalization in late 1990s and a new student carpool pickup area on 98th Avenue near Bishop O'Dowd are both new factors in the intersection that may be leading to periodic congestion. Indeed, at certain peak times, traffic spills beyond the exit ramp onto active i-580 freeway lanes and onto the freeway shoulder. Given poor visibility, existing freeway configuration, and fast moving traffic, accidents occur. Public health and safety are at risk. The problem is more serious than mere convenience.

Westbound Off-Ramp

A second example can be found in the discussion of the Golf Links Road/I-580 Westbound Off-Ramp. Again, it was not analyzed in the current MND/A during the weekday AM or weekend midday peak hours because of the signalization and the completion of the improvements after 1998 were expected to produce acceptable LOS C during the weekday PM peak hour. (3.11-48). Nonetheless, it is argued that the new proposed Master Plan would not contribute to a significant cumulative impact and therefore no mitigation measures are required.

In fact, since the 1990s backups onto Highway 1-580 off-ramp have been noticeably aggravated by the new signalization and increases in zoo entry vehicles. At certain times, the backup extends beyond the off-ramp onto the active Highway 1-580 vehicle lanes and the freeway shoulder. Again, public health and safety are involved, and that the additional project-generated traffic is likely to aggravate the problem.

In summary, the Mitigated Negative Declaration fails to evaluate impacts of signalization since 1998 during peak times at the off-ramps of Highway 1-580 in both the east- and west-bound directions. Without study, the public is unable to verify what appears to be increasing congestion at certain intersections following the installation of the signal lights.

2) Failure to Study the Cumulative Impacts of Intersections #1 and #2

Some of the intersections studied are so geographically close that they must be analyzed cumulatively. Yet the study does not fully analyze these cumulative interactions. The best example of this problem can be found in the area between intersections #1 and #2 in both the eastbound and westbound traffic directions. Here is a brief overview.

Eastbound Vehicles on Golf Links Road from off Highway 1-580 Off-Ramp

Vehicles exiting from the I-580 freeway westbound (intersection #2) are confined to the right lane if drivers intend to move east along Golf Links Road toward the zoo entry. Such vehicles are confiated for a short distance into a single lane due to striping. At peak times,

back up of traffic here is so extreme that only a handful of vehicles can pass through the intersection during an entire signal sequence. Much of the sporadic back up appears to result from vehicles attempting to enter the zoo (intersection # 1).

Frustrated local drivers are often cross the double line into on-coming traffic in order to circumnavigate the backed-up cue at the zoo entry. This is true for drivers heading to Mountain Boulevard as well as those headed east up Golf Links Road. Some drivers that are headed onto Golf Links Road also ignore the striping that confines them to the same lane as drivers entering the zoo, inappropriately driving in the left-turning lanes designed for Mountain Boulevard instead. Confused drivers heading down toward the freeway from Golf Links Road, heading into or out of the zoo entrance, or those entering or exiting the nearby gas station, compound the problems even more.

As a result, accidents and near misses in this area are not uncommon. Changes to the signal timing, striping or other traffic control techniques might help alleviate the problems here. But without comprehensive, cumulative studies as should be included in the current MND, public safety is at risk from the projected increases in vehicular traffic associated with the proposed Amended Master Plan. The MND/A study fails to address the fundamental problems of one of the most poorly congested intersections, which despite being signalized since 1998, is not functioning well.

Vehicles Westbound on Golf Links Road between Intersections #1 and #2

In addition to studying eastbound vehicles, the cumulative interaction of westbound vehicles at Intersection # 1 and #2 reveal significant issues that have been omitted from the current MND. Again, the situation here changed after 1998 due to new signalization and the creation of a new zoo exit onto Golf Links Road.

In the westbound direction, an extremely small area (hereafter referred to as the "bottleneck") is the primary problem. The bottleneck area can absorb only 10 vehicles maximum at a time, and because it is signalized, the cue can reach capacity easily between lights. The small capacity of the bottleneck can also be reduced by 50% when a bus lingers at the curbside bus stop, or when drivers, in the striping on the roadway assume there is only one lane.

Traffic flowing into the bottleneck comes from a variety of sources. Vehicles entering from Mountain Boulevard and Golf Links Road, traffic exiting the zoo, and those entering or exiting from the adjacent gas station can all converge in this small area. And when the light turns, drivers often compete aggressively for space. Vehicles from Mountain Boulevard can take preference by making a right turn from the stop sign, while vehicles from Golf Links Road are somewhat restricted, and vehicles exiting the zoo are nearly

unable to fill the queue due to cars blocking their path from two or more directions. Cross-traffic from the gas station makes the queue even more unpredictable.

Backups are thus common during peak times on upper Golf Links Road and inside the entry gate of the zoo. However the current MND fails to adequately address this bottleneck and how the addition of vehicles resulting from the proposed Amended Master Plan will be accommodated.

In short, the complex, existing cumulative interactions between intersections #1 and # 2 have not been fully addressed in the report, and with additional vehicles associated with the new project, the problems will undoubtedly worsen.

3) **Failure to Analyze Cumulative Traffic from Other Large Projects & Possible New Zoo Exhibits**

The MND/A fails to address the potential for additional and cumulative traffic impacts from other large developing projects in the area, assuming that none are relevant to the current study. Nor does the report assess the potential impact of new zoo animals in existing pens, such as pandas from China, which would result in a sudden increase in new visitors.

Former Oak Knoll Naval Hospital Site

The former 160+ acre Oak Knoll Naval Hospital property (Mountain and Keller Avenue), when developed, could add substantial traffic to several of the identified intersections and roadways. When build out is complete, it is estimated that about half the traffic generated by the development will use the Golf Links/ I-580 intersection and half will use the Keller Avenue/I-580 intersection.

The current proposed largely residential redevelopment plan for the site proposes 960 new homes (several hundred more than were planned in the 1990s), with additional traffic being generated by a proposed commercial center, and public facilities such as a new park and possible new library/senior center. The current study, however, omits this new information entirely.

In addition, the amount of traffic generated by the Oak Knoll site has been uncharacteristically low in the past decade when the California Exhibit and other associated zoo expansion ideas have been most fully vetted. From the 1940s through the early 1990s, the Oak Knoll base generated a high volume of vehicles, and this number dropped quickly with the initial announcement of base closure in the early 1990, and again with its complete closure in the mid 1990s.

Holy Redeemer Site

Another potentially significant development project omitted from the study is the 25-acre Holy Redeemer property on Golf Links Road between I-580 and MacArthur Boulevard. Although details about how this property will be developed are still underway, it is likely that the small church associated population that occupied the site will be replaced by new residential or educational facilities, and other uses. When the 1998 agreement was made, the Holy Redeemer site was not available for possible redevelopment. Conditions have changed, and should be evaluated more comprehensively in a full EIR.

Project to Bring Pandas to the Oakland Zoo

It is curious that the report fails to mention the fact that the zoo is currently negotiating with the Chinese authorities to bring panda bears to the Oakland zoo after completing a $1 million facility for them. Widely reported in the media, the acquisition of pandas is projected to bring 1.3 million more visitors over a 10 year period [http://www.highbeam.com/doc/1P2-7033087.html] , yet the potential for significant new traffic that would result from this addition was not examined in the MND/A.

Misleading information on impact of traffic on overnight camping

Table 3.11-6 (MND/A p. 3.11-18) shows the vehicle trips generated by the overnight camping area. It is not clear how these vehicles would access the proposed camping location. Would they use the proposed paved service road or would some of these trips be made via the proposed Snowdown emergency vehicle access road? This Table shows about 19 trips during the week. If there's little camping during the week, as claimed in the Project Description, what accounts for these higher numbers of vehicles on weekdays? The weekend, when most of the camping presumably would occur, has only 4 trips. Why? Also, from this table it looks like most of the vehicle traffic without accounting for the California Exhibit is from the overnight camping area. The overnight camping experience seems to contribute significantly to the increased traffic. How? This is not specified.

Misleading information about increased attendance and vehicle trips

The Zoo has repeatedly made estimates at public meetings that are inconsistent with the relatively low estimates used to calculate vehicle trips and environmental impact. Further, the MND/A breakdown of vehicle trips appears underestimated. Table 3.11-6 shows that the Vet Hospital would, as the report claims, "generate at most one additional trip during the weekday am and pm peak hour". This seems unrealistically low, given the Zoo's stated plans plans for UC Davis veterinary science program teaching and residency programs, etc.

Absence of adequate explanation for lack of additional parking areas in plan

Friends of Knowland Park believes a re-analysis of the estimates for vehicles is needed because these projections appear unrealistically low, but even if one accepts the estimates as valid, the project will generate large amounts of additional vehicles coming to the site. However, there are no provisions made for additional parking areas, suggesting that frustrated drivers may go into neighborhood streets seeking parking. This is not addressed in the MND/A at all. Failing this, and in the absence of parking lots or structures that could be enlarged within the existing Zoo, one is forced to anticipate that the Zoo may anticipate later seeking approval to place parking areas near the proposed emergency access road or elsewhere in the remaining parkland, creating additional environmental concerns.

SUMMARY

Thus the traffic section is incomplete and/or misleading in multiple respects:

- The transportation and circulation analysis fails to analyze how certain intersections signalization since 1998 have been impacted during peak hours based on the assumption that signalization resolved the pre-existing problems.
- The report also fails to analyze cumulative problems that have come to characterize the highly congested intersections #1 and #2.
- Similarly, large developments such Oak Knoll and Holy Redeemer redevelopment or a new panda exhibit, are omitted although each would likely increase traffic and congestion.
- The disproportionate estimated contribution of the proposed Overnight Experience to the increase in weekday vehicle trips is unexplained.
- The MND/A fails to adequately explain inconsistencies and questionable assumptions in the vehicle trip estimates and does not account sufficiently for the failure to include additional parking areas for the estimated increase in vehicles.

C. OTHER ISSUES

C.1 PERIMETER FENCE LINE

Inconsistencies and Omissions

The current study is misleading and confusing in its treatment of northern boundary of the perimeter fence near Knowland Arboretum and Golf Links Road. The text makes references to an "existing perimeter fence" that appears to be inaccurately and inconsistently portrayed on some of the accompanying maps. These problems suggest that the exact location for the perimeter fence has been subject to considerable change through time.

According to the document (2-22), "a fence would extend around the perimeter of the California Exhibit. The perimeter fence would be constructed of black-coated cyclone fencing material with barbed wire on top and would be approximately eight feet high.... The fence would connect with the existing perimeter fence that currently surrounds the zoo. (The existing fence extends along the northern zoo boundary at Golf Links Road and along the southern zoo boundary near the zoo's main parking lot."

The location of the proposed fence, however, is not clear in the accompanying maps. The MND/A presents an array of contradictory maps and vague definitions of the northern boundary of the new perimeter fence as well as depictions of what is considered to the "existing perimeter fence" or "existing fence."

Inconsistent and Contradictory Mapping of the Boundary

Two important maps (Figure 2-20 and 2-21) show different information on the 1998 approved plan. Figure 2-20 shows the perimeter fence as extending to Golf Links Road, and presents a critical segment of it in a *blue color*, a selection that is not explained in the legend. However, the map on the following page of the document (Figure 2-21) shows the perimeter fence alignment in two different colors: the blue section shows a fence line following the northern edge of the new upland exhibits, but the segment from the bison/elk exhibit to Golf Links Road is shown *in gray rather than blue*. According to the legend for this map, the *blue color* indicates what was approved in the 1998 Master Plan. Figure 2-21 thus suggests that the boundary that was approved does not extend to Golf Links Road, while Figure 2-20 is ambiguous because it lacks a legend.

As if this weren't enough to confuse the public, other maps in the document show a <u>different alignment</u> of the northern boundary of the perimeter fence. Several maps (Figure 2-3, Figure 2-4, Figure 3.11-1 through 3.11-12, Figure 3.9.3) show the new perimeter fence, in green, about 400-500 feet south of Golf Links Road. This alignment makes it somewhat closer to the

existing bison/elk exhibit fencing or to the existing fencing at the Center for Science and Environmental Education.

What are the current conditions?

First, there is *no fence whatsoever* on Golf Links Road between Anza Avenue and Calafia Avenue, although Figure 2-20 and 2-21 seem to indicate such. Second, there is a short fence on Golf Links Road between Calafia Avenue and Mountain Boulevard but it is certainly not what would normally be regarded as a "the existing perimeter fence" around the zoo. It consists of a freestanding segment of 4-foot, dilapidated segment that connects only with the enclosure of the Arroyo Viejo restoration area. Another light mesh short fence nearby appears to prohibit goats from entering the Arroyo Viejo habitat. Indeed, none of the above-described fencing connects, in any way, with any of the existing animal exhibits at the Oakland Zoo. Actually, Knowland Arboretum separates this area of segmented fencing from the formal entry areas of the zoo. It is thus difficult to conceive of Golf Links Road as being part of the "existing fence" or "existing perimeter fence" boundary line.

In fact, the "existing perimeter fence" defined in terms of zoo crowd control and public safety lies to the south of Knowland Arboretum near the Science and Environmental Education Center. Here, a high fence defines the area of the zoo where pedestrians must pay an entry fee—and by most reasonable standards, this would be considered to represent the existing perimeter fence at the zoo (an idea supported by Figures 3.11 through 3.11-12). The fencing in this area also connects seamlessly to fences around the Children's Petting Zoo and other formal animal exhibits.

Missing Analysis

If the fence alignment on the north is conceived as connecting to Golf Links Road at the Golf Links/Anza Avenue intersection and extending from there to Golf Links Road at Mountain Boulevard, then several additional issues should be addressed. These are described below.

(1) Knowland Arboretum

Currently, the Arboretum is available to pedestrians without paid admission. A perimeter fence along Golf Links Road would alter access. In addition, questions about future intent of the Arboretum resources would need to be vetted. Currently the zoo appears to be adopting a utilitarian model, using the site for its support services. The Arboretum is now used as an overflow lawn parking area that exposes the trees to oil, gas, and brakepad drippings and residues, and soil compaction from the weight of parked vehicles. It is also used as an extensive manure composting facility that may threaten the water quality of nearby Arroyo Viejo. If the Arboretum trees and other special features are to be preserved, then a clear

conservation plan for future zoo management is needed. This does not exist as far as is known in the current MND/A or other documents presented.

(2) Existing Fire Gate and Fire Road

The proposed fence line, if extended along Golf Links Road from Mountain Boulevard to Anza Avenue, will cut off an important existing fire road access gate, and the fire road it serves. This fire road is about ½ mile in length, and lies entirely in Knowland Park along the wooded canyon parallel to, but not visible from Golf Links Road. One gate is at Golf Links Road/Calafia Avenue and the other is at Golf Links Road/Elysian Fields Drive.

In the past two decades, the fire department has used this roadway to suppress a grass fire. Should the 8' perimeter fence be built, the relocation of the fire road entry gate, and perhaps the fire road itself, may prove problematic. The hillside becomes considerably steeper toward Burgos Road and may be prohibitive for access by large fire trucks. Significantly, there is no discussion of the cut-off of the Fire Road gate or the need for a new alignment in the current MND/A (3.10-10 to 3.10-11)

(3) Aesthetic Impacts

Adding a new 8' fence along Golf Links Road from Anza Avenue to Calafia Avenue, or even to Mountain Boulevard, would greatly detract from the visual aesthetics of residential housing along the other side of Golf Links Road and for drivers along this stretch of what Oakland has long stipulated to be a scenic roadway. No adequate discussion is presented in the report.

(4) Loss of Public Access

The grassy flatland area south of Golf Links Road from Anza Avenue to Calafia Avenue is now popular with Knowland Park users including walkers, runners and hikers. A large portion of this area will be lost to public access with fencing, without a clear opportunity for the public to provide comment.

Summary

In conclusion, the document itself is flawed and does not provide a clear description of the perimeter fence boundary or its potential environmental impacts, especially for the northern segment. Conflicting, confusing and seemingly erroneous information contained in the document makes it impossible for the public to appropriately comment.

C.2 PROPOSED AERIAL GONDOLA RIDE

The proposed aerial gondola ride was not part of the previously approved Master Plan and thus is a new and major change to the project. A full EIR should be required to more fully

assess the impacts of this feature. Under CEQA guidelines, there is a "fair argument" that the zoo expansion may have significant adverse environmental impacts that may not be fully mitigated to a less than significant level with the proposed measures. Section 21080 of the CEQA guidelines indicates that "substantial evidence" includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." Substantial evidence suggests that this feature may have more impacts that have not been fully addressed and should call for full consideration of other alternatives besides the loop road alternative within the context of various design configurations.

While the revised Master Plan proposal MND/Addendum assumes that the aerial gondola ride will reduce overall impact by eliminating the need for constructing the loop road and reducing vehicular traffic to the remote portions of the expansion site, and this is possible, the MND/Addendum does not adequately deal with the multiple new site specific potential impacts of this feature and makes unwarranted assumptions about its environmental footprint.

The construction of the gondola towers on steeply sloping ground is a concern not fully addressed in the MND/Addendum. A full EIR should be required to ensure that this is the best feasible solution and is needed for this expansion. It is important to note that should a different configuration of exhibits be undertaken, other people moving systems might be feasible to use that would raise fewer environmental concerns. In 2008, operations of a gondola in Taiwan were suspended after serious erosion occurred beneath a supporting pillar following rainstorms [*http://www.taiwanderful.net/guides/maokong-gondola*]. The project had not had a full EIR prepared and construction had damaged vegetation, adding to soil instability in a context of inadequate pre-approval review of the engineering challenges associated with construction.

Aesthetically, the gondola will obviously have a greater impact on views from multiple locations, as it will be more visible from the scenic portions of I-580, Golf Links Road, which is a scenic road by Oakland standards, and other areas than the perimeter road that was part of the Approved Master Plan. Towers of up to 62 feet marching up the slope to a much higher profile and a larger building than called for in the Master Plan will extend above the trees; multiple gondola cars holding groups of people will be visible as well from these scenic routes. The Scenic Highways element of the Oakland General Plan states in relation to I-580 that "Visual intrusions within the scenic corridor should be removed, converted, buffered or screened from the motorist's view." It is unclear how this could be done with such a structure. Painting cars in 'earth tone colors' is insufficient.

It is also unclear whether from the gondolas the windows and yards of adjacent homes of the park will be visible, which could raise privacy concerns for neighboring homes.

The I-580 simulations do not include views coming from the south. Given that it is from this direction that the gondola structure would be more visible, this is a serious omission.

We have been unable to find in the report details as to the specific heights of each supporting pillar, which would help in evaluating the visual impacts.

The simulations do not appear to show the gondola in proportion to its size, and include a structure that is not identified in the proposal (Fig 3.1-4a, center photo).

The locations of the simulations leave out important perspectives from which the gondola would be visible, including from the homes nearer to the Zoo than the Hood Street site and the view from I-580 traveling toward and past the Zoo from the south.

There are no simulations of the loop road from the same perspective to compare with the simulations of the proposed revised project; thus it is impossible to visually compare their aesthetic impacts from the varlous perspectives.

The possibility for ground vibrations from the gondola affecting endangered species such as the Alameda Whipsnake, does not appear to have been addressed. The report does not address any potential effects on raptors and other birds that use this area for habitat and hunting presently. Neither are its potential effects on plant communities fully analyzed in this report.

The site-specific geotechnical assessment of each individual gondola tower construction site do not appear to be called for until after the project is approved. However, if the sites identified for gondola towers are unsuitable for reasons of land instability, shaking, liquefaction, etc. this could undermine the entire proposal or require additional measures that greatly increase the environmental impact of constructing it. In the Taiwan case discussed above, towers had to be relocated, creating additional impacts.

The noise impacts of the gondola have also not been sufficiently considered. The environmental report does not make clear whether the gondola cars will be completely enclosed with glass or plastic materials or whether they may have areas partially open to the air, in wltich case one would need to address noise from people screaming at animals, across to others in different cars, tossing of litter from cars, etc.

The environmental report says there will be "no night lighting" on the gondola, but if this is true, would visitors who come for the planned evening events at the proposed interpretive center be riding the gondola in total darkness? This seems unlikely, in which case there will be night light impacts that should be addressed, particularly given the existing great horned and other owl populations on the site, as well as other nocturnai animals that inhabit it.

C.3 ZOO STEWARDSHIP OF PARKLAND

The Zoo's stewardship of the parkland is a factor that is not appraised by the MND/A, yet this is a condition about which there is now considerable evidence accumulated since the 1998

approval that should be considered. FOKP is concerned that the Zoo's stewardship of park resources is more verbal than substantive, and this raises realistic concerns, based on past practices, about the extent to which any mitigation measures will actually be carried out, monitored and enforced. This concern is justified by the evidence of how fully the mitigation measures of the previous approval have been accomplished.

Compliance with 1998 MND Mitigation Measures

The 1998 MND specified a number of mitigation measures, including preparation of a Habitat Enhancement Plan including an annual assessment of the species and distribution of invasives, a management element for control of each species, and a revegetation element for areas where heavy invasive weeds comprised a significant portion of existing vegetation. However, many of these measures have been inadequately carried out or not done at all.

Invasive plants

While the Zoo has engaged volunteers in removal of invasive species along Arrojo Viejo Creek, it has neglected entirely to attend to the greatest threat, which is invasive French Broom spreading upward *from the Zoo* into the remainder of Knowland Park. Friends of Knowland Park and the California Native Plant Society organized a broom removal in spring of 2010, clearing a large swath of broom from the northeastern ridge grassland area proposed in the Amended Master Plan for animal exhibits in an effort to keep it from spreading further upward into the park's grasslands. We carefully collected seedheads in a plastic bag and piled the pulled plant debris near the road where the Zoo, which had loaned us equipment for pulling, had agreed to pick up and dispose of it.

Despite several reminders by email, the Zoo failed to pick up the material until after the annual road grading was done, which resulted in the bag of seedheads being torn open and ground into the disturbed soil, creating new opportunities for broom to spread. This experience, and the proliferation of broom near the veterinary hospital site and other areas within the existing Zoo grounds raise serious questions about the Zoo's ability to deliver on its promises of abating invasives and its willingness to commit adequate resources to achieve promised abatement. Given the soil disturbance that the proposed Amended Master Plan Project will create in the upland grasslands, it is likely to result in a more rapid spread into the relatively intact native plant communities of the remaining parkland. This is not sufficiently addressed as an environmental impact on the park that is likely to be worsened as compared to the 1998 Approved Master Plan, given the geography of the reconfigured exhibits and the site.

The Zoo has also used mower type equipment that creates considerable soil disturbance to clear broom from the bison area. This soil disturbance creates more opportunities for the seeds to

sprout and take root. See
http://www.calipc.org/ip/management/plant_profiles/Genista_monspessulana.php

This creates justified concerns about the viability of the recommended mitigation measures and how the Amended Master Plan project construction would contribute to further spread of invasives into the unspoiled areas of the remaining parkland. This requires further analysis, including a discussion of the criteria by which city staff assesses the adequacy of Zoo stewardship of public parklands and the extent to which they have been met during the past 13 years.

Rare Plants

It is notable, for example, that a rare colony of robust monardella (*Monardella villosa ssp. Globosa*) was identified within the proposed expansion area in the 1998 MND. The Zoo, as the designated steward of park resources and claiming a conservation mission that justifies this Amended Master Plan proposal, was responsible for management of this area during the ensuing 13 years, but the colony now appears to have been eradicated, possibly through aggressive grazing of goats used for fire protection purposes or by other means. Given that the previous report proposed mitigation measures for its protection, it is difficult for the public to verify that protections are occurring or to have confidence in the Zoo's ability or willingness to make protection of the new rare plants identified in the current MND/A a priority.

Zoo Dumping into Parkland Drainages

For many years, the Zoo dumped construction and animal wastes into upper Knowland Park. Attached in the Appendices are maps and recent photographs of substantial piles of construction/demolition debris including concrete, rebar, chain-link fencing, asphalt paving material, steel and wood sign posts, wire, chairs, tables, tires, and lots of sections of cut Eucalyptus trunks and branches taken in the park. It appears to amount to many tons of debris, dumped into a drainage channel that runs off the northern side of Knowland Park mesa and drains down toward the Arroyo Viejo Creek area.

While the Zoo has always claimed that any dumping was done by others, signage debris clearly shows that at least portions of the debris was from the Zoo itself. See the sign denoting a former Elephant Enclosure and indicating times the exhibit might have been open to the public (on the flipside). Relatively young Eucalyptus trees appear to have sprouted from the drainage, perhaps from the dumped eucalyptus debris also present.

The hillside above has clearly had a substantial amount of dirt pulled down to cover an extensive area, perhaps suggesting that even more debris is covered over under soil. Measurements in Google Earth and on the ground indicate that the debris field covers roughly

25,000 square feet and ranges in depth from one foot to 6 feet deep. We consider that it is likely more than 1000 cu yards of infill and construction debris.

This is not the only dumping ground in Upper Knowiand. but it is the only one that contains Zoo signage. The other dumping grounds, however, contain massive amounts of animal dung, presumably cleaned from the animal enclosures. While we do not have the capability to determine when this dumping occurred. the relatively intact paint on the elephant sign suggests it was during the last 20-25 years. In any case, the Zoo is responsible for stewardship of the park and has not cleaned up this dumped material, despite obviously having knowledge of it. These are facts not acknowledged or addressed in the 1998 MND or in the MND/A which have bearing on the likely impact of the project.

Seasonal Wetlands Mismanagement and Obliteration of Frog Breeding Area at Expansion Site

See above under Biological Resources section.

Summary

Considerable, documented evidence suggests that the Zoo has not taken seriously enough its stewardship role, or that it is not capable of upholding il properly, despite its legal obligations to the city.

D. CONCLUSIONS

Knowiand Park is, as the OSCAR policy document of the city's General Plan affirms, the "crown jewel" of the city's parks system. It is also an important and unique area of native plants and wlldlife habitat, protected in some respects by the topography of the natural hillsides and canyons il features despile ils nearness to urban development. For this reason, any proposal for development of the parkland areas warrants especially rigorous enviromnental scrutiny.

The Amended Master Plan proposal meets the criteria under which a full Environmental Impact Report under CEQA must be prepared, to wit: (1) substantial changes are proposed to the project; (2) substantial changes occur in the circumstances under which the project is lo be undertaken; or (3) new information of substantial importance emerges. Pub. Res. Code § 21166; Guidelines § 15162; *Mira Monte Homeowners Ass'n v. County of Ventura* (1985) 165 Cal.App.3d 357, 363-66. Where the agency previously certified a negative declaration, as for this project, an addendum is only appropriate where "minor technical changes or additions are necessary." *Mani Brothers Real Estate Group v. City of Los Angeles* (2007) 153 Cal.App.4th 1385, 1400. The Amended Master Plan clearly involves far more than minor technical

changes and involves serious environmental impacts, as discussed above, that cannot be fully mitigated.

Friends of Knowland Park has been unfairly accused of being "anti-Zoo." On the contrary, while there may be some park supporters who do not like the Zoo, many of our members are also Zoo members, and we respect the great improvements the Zoo has accomplished over the last two decades. However, we cannot support a plan that creates such clear destructive impacts on rare and endangered plants and wildlife and their habitat.

As engaged citizens of Oakland, we believe that it is our civic duty to participate in the decision-making about use of this important public resource, and these comments reflect that commitment. We believe it is possible to design a plan that has less environmental impact on our environment and is more authentically true to the conservation mission of the project. The environmental diversity and richness of Knowland Park call for a fuller analysis of the impacts of this project, which will permanently affect the many species that make their homes in Knowland. However, the 30-day time frame within which we were permitted to appraise the more than 1300 pages of often highly technical materials that took the city more than a year to prepare was inadequate, and these comments are incomplete as a result. A longer public review and comment period is a requirement for a full EIR under CEQA precisely because that process assures that many eyes review projects with important impacts and participate in efforts to improve development proposals. We urge that a full EIR under CEQA be prepared before this project is approved.

E. APPENDICES

Appendix 1: Sudden Oak Death, Supplemental Document

UNIVERSITY OF CALIFORNIA, BERKELEY

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SANTA BARBARA · SANTA CRUZ

Matteo Garbelotto
Associate Extension Specialist
Adjunct Associate Professor
Department of ESPM, UC Berkeley

Berkeley, March 13th, 2011

To Whom it May Concerns:

I have been asked, in light of my position as the Forest Pathologist State Specialist of the University of California, to express an opinion on the Oakland zoo master plan and its amendment. After careful revision of the plan, I find it quite lacking of sufficient detail to ensure proposed construction and development will not result in the decline or demise of local trees. After a personal inspecion of the site, I have noticed that a significant number of valuable oaks are present in the area subject to the proposed enlargement of the Zoo. Soil grading or re-grading, changes in depth of the root collar, partial flooding linked to constructions are all well known causes of an intensification of native and frequent diseases such as Armillaria root rot that will result in a rapid decline of trees in proximity of construction sites. The developers fail to describe how they are going to minimize these negative effects on what appears to be an extremely important wild population of coast live oaks in the East Bay. Additionally, in 2009, Sudden Oak Death (SOD) was reported in Knowland Park (information has been public and posted on the web at www.matteolab.org since early 2009): this exotic disease has resulted lethal to millions of oaks and tanoaks in California. Upon an on-site inspection, I have deducted the disease has just recently arrived in the Park and it is mostly affecting bay laurel leaves. Unfortunately, once established in an area on bay laurels, the disease spreads on to oaks and additionally contaminates the soil. Once bay laurels are infected, infectious SOD spores will move for relatively short distances (10-100 yards) through the air, but can be moved at longer distances by water and by human- related movement of soil. The current Master Plan ignores the existence of SOD in Knowland Park, and apparently does not address the likely issue that soil movement and heavy equipment may potentially lead to a complete infestation of the park with significantly negative consequences for the survival of oaks. It is known that some types of habitats are more conducive to disease spread than other. This knowledge, in conjunction with a knowledge of the current distribution of the disease, may help draft a plan aimed at ensuring SOD will not result in a lethal epidemic: unfortunately no mention of SOD and of how the developers will deal with it appear on the Master Plan. I am concerned development could lead to a significant acceleration of dispersal of the SOD pathogen. Other landowners (including the San Francisco Public Utility Comission) have taken SOD presence and distribution into account and have modified all construction pans (including the massive updating of water lines) to minimize the impact of SOD. It is my opinion that SOD needs to be addressed in a final Master Plan for the new Oakland Zoo by including a complete current survey of disease distribution, a designation of areas at high risk and low risk, and by including the practices that will be taken to minimize spread of the disease. As I mentioned above, simply moving heavy equipment between a clean and an infested area will potentially lead to infestation of the clean area. However, order in which sites will be selected for work, overall timing of work, and careful observation of best management practices (such as sterilization of tools and equipment, avidance of wounds, etc.) may minimize this impact. Stands containing both bay laurels and oaks are very conducive to the disease, and if they need to be protected, it must be ensured the pathogen is not transported lo these sites: additionally some selective bay thinning may need lo be implemented to ensure protection of oaks in these sites. None of these aspects are dealt with in the Master Plan, yet the knowledge is available to draft a plan that will significantly reduce the impact of the proposed work. I recommend a final approval of the plan (or at least approval for tree removal by the City of Oakland) should come only after the developers have convincingly dealt with the above issues. For any further clarification, feel free to email me at maueog@berkeley.edu

Yours sincerely,

Appendix 2: Zoo Stewardship Photo Exhibits

Appendix 2: Zoo Stewardship Photo Exhibits

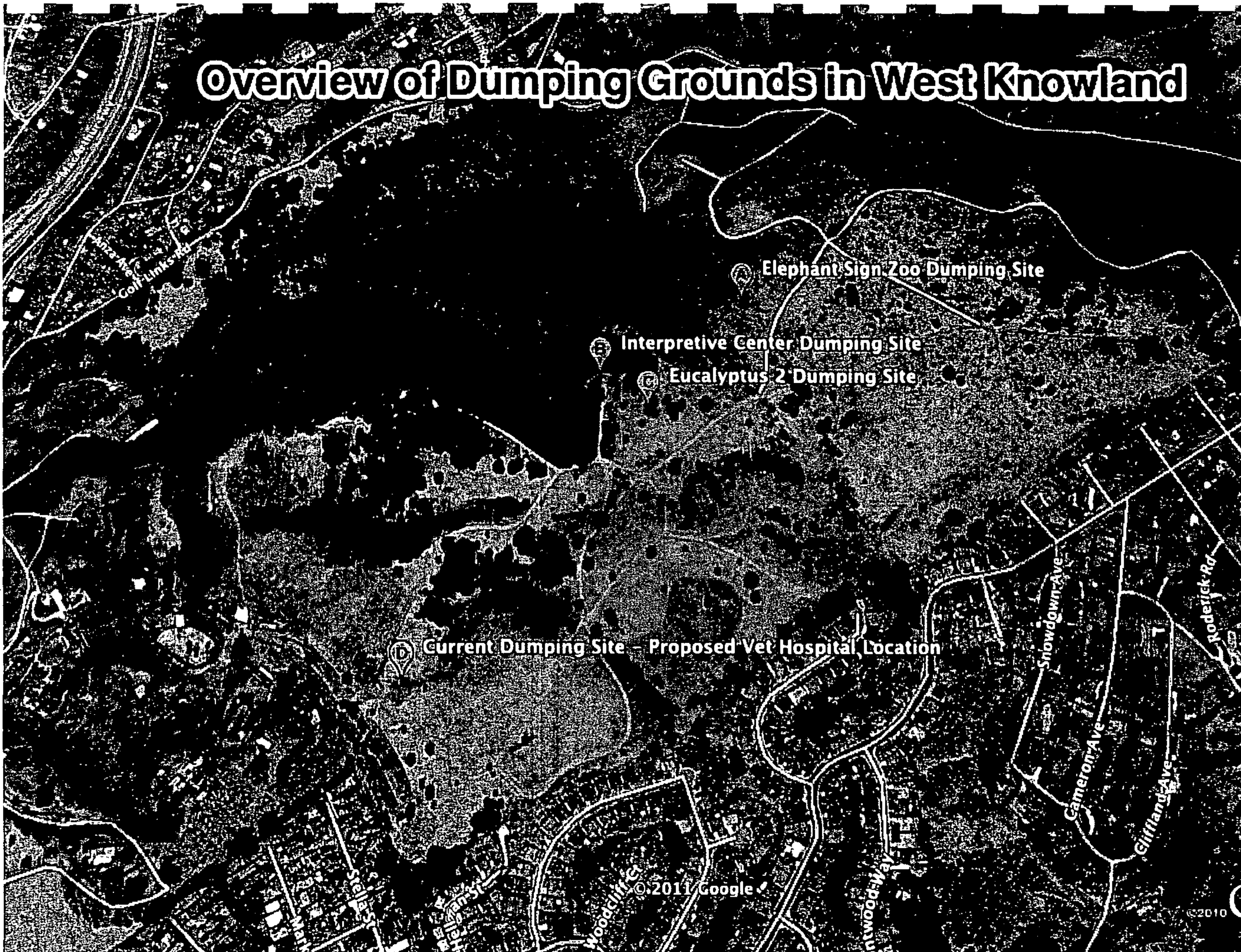
Set 1: Dumping ground overview maps (5 pages)

Set 2: Elephant site photos (15 pages)

Set 3: Historical views of eucalyptus in Upper Knowland Park (4 pages)

Set 4: Timeline photos of dump site D – Vet Hospital site (9 pages)

Set 5: Vet hospital site photos (8 pages)


Overview of Dumping Grounds in West Knowland
Elephant Sign Zoo Dumping Site
Interpretive Center Dumping Site
Eucalyptus 2 Dumping Site
Current Dumping Site – Proposed Vet Hospital Location
Golf Links Rd
Anza Ave
Snowdown Ave
Cameron Ave
Gilliland Ave
Roderick Rd
Woodcliff Ct
Stella St
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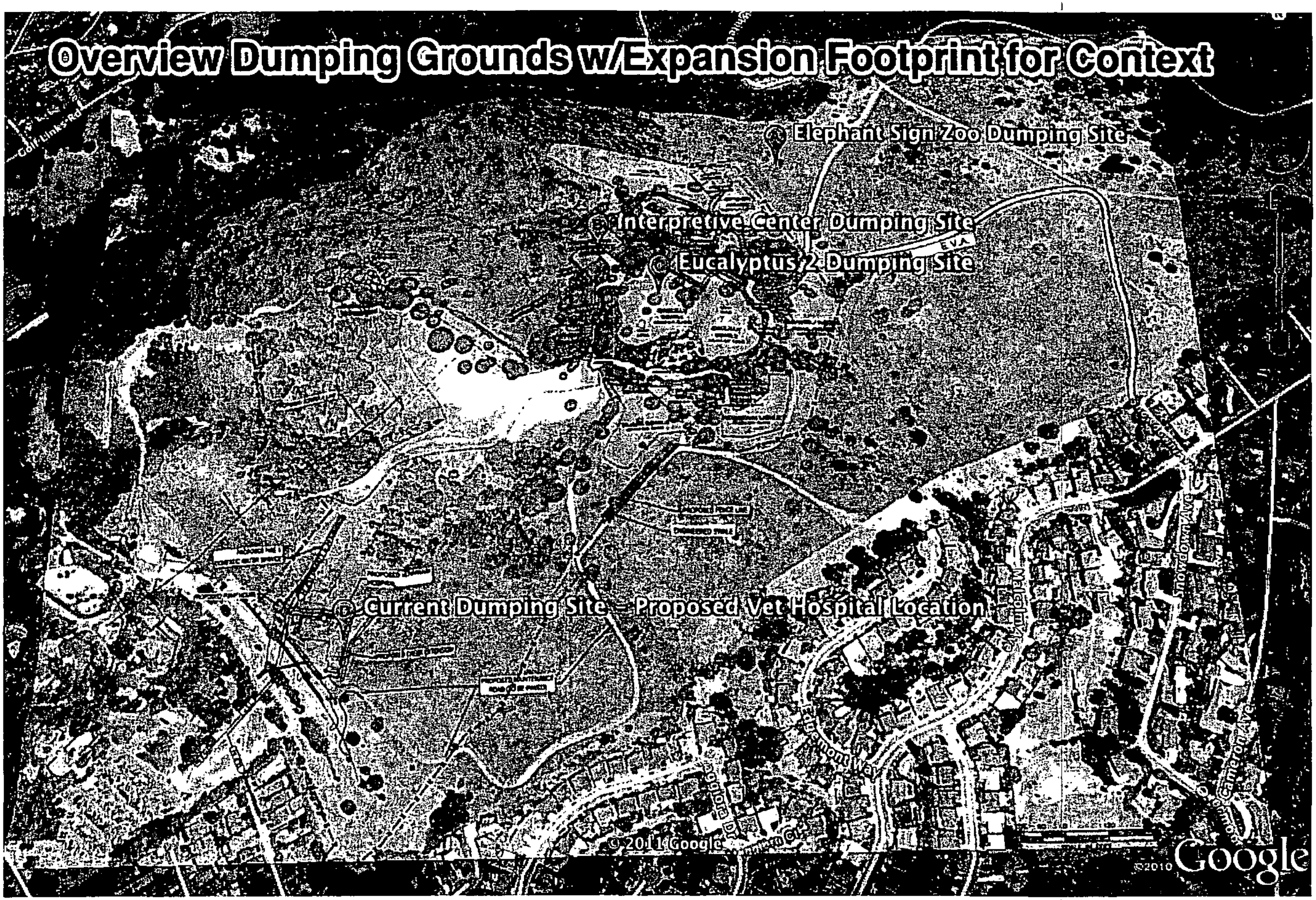
Overview Dumping Grounds w/Expansion Footprint for Context
Elephant Sign Zoo Dumping Site
Interpretive Center Dumping Site
Eucalyptus 2 Dumping Site
Current Dumping Site – Proposed Vet Hospital Location
Golf Links Rd
Malcolm Ave
Snowdown Ave
Cameron Ave
Edgemont Way
Zaggiora Dr
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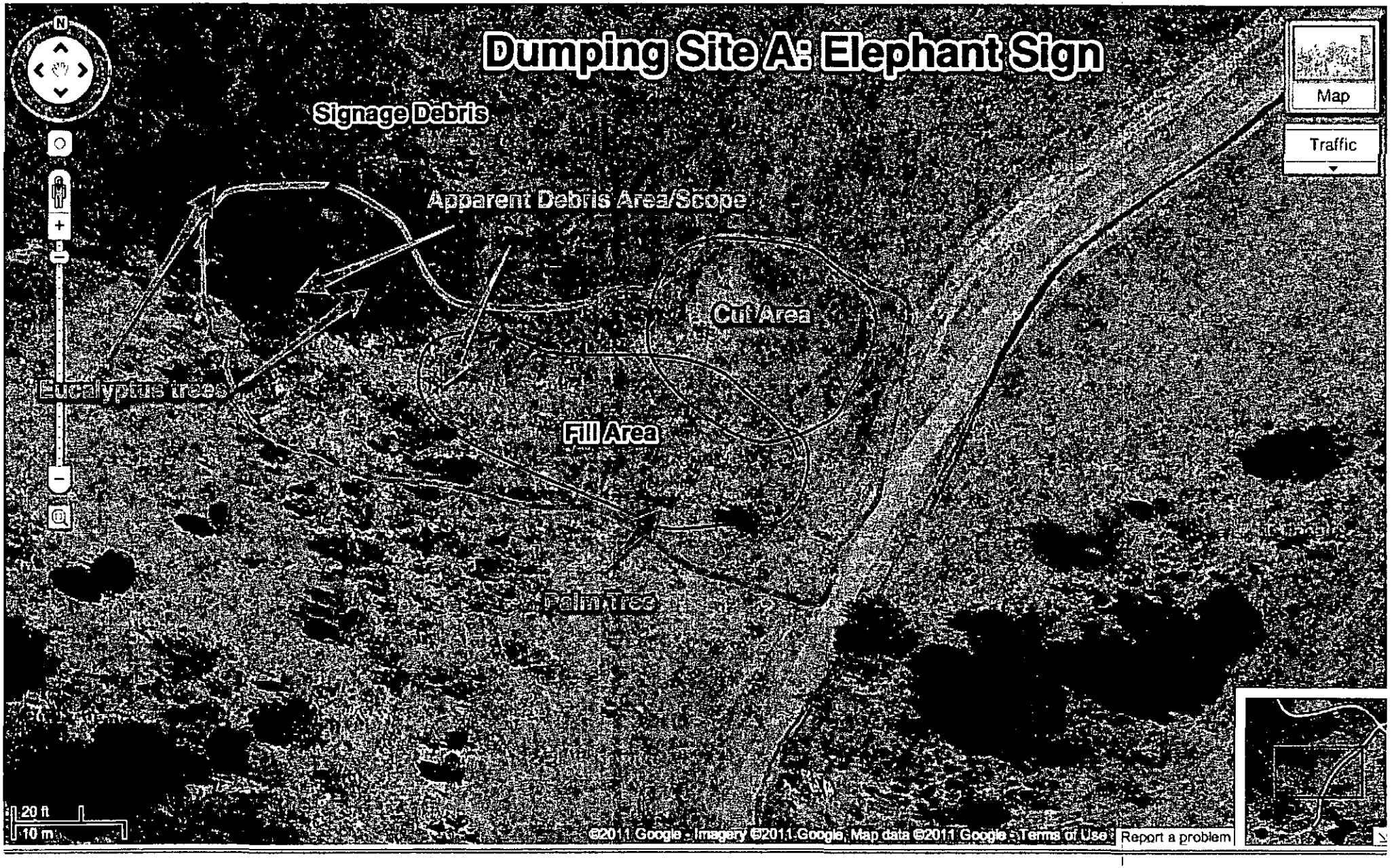
Dumping Site A: Elephant Sign
Signage Debris
Apparent Debris Area/Scope
Cut Area
Eucalyptus trees
Fill Area
Palm Tree
Map
Traffic
20 ft
10 m
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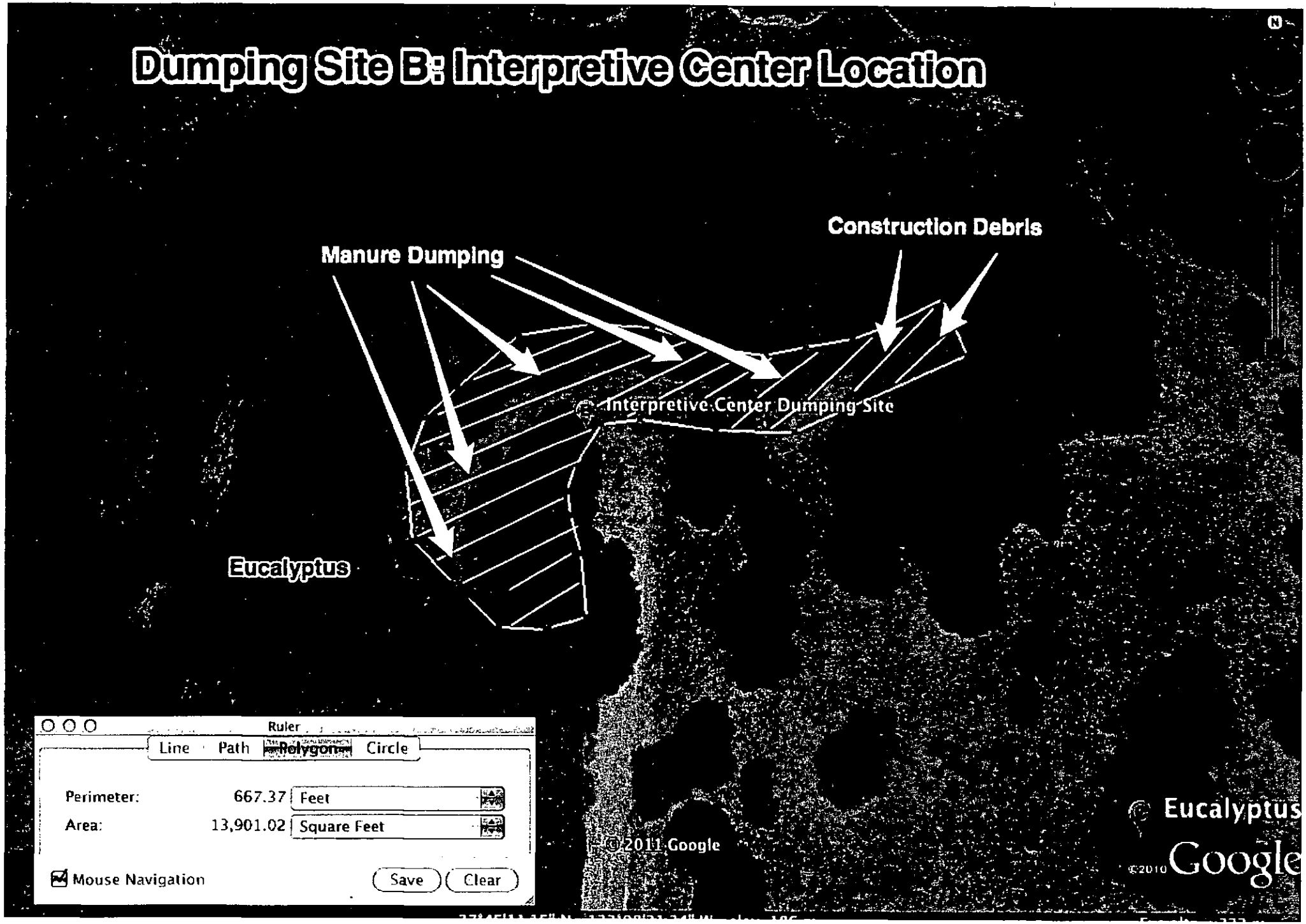
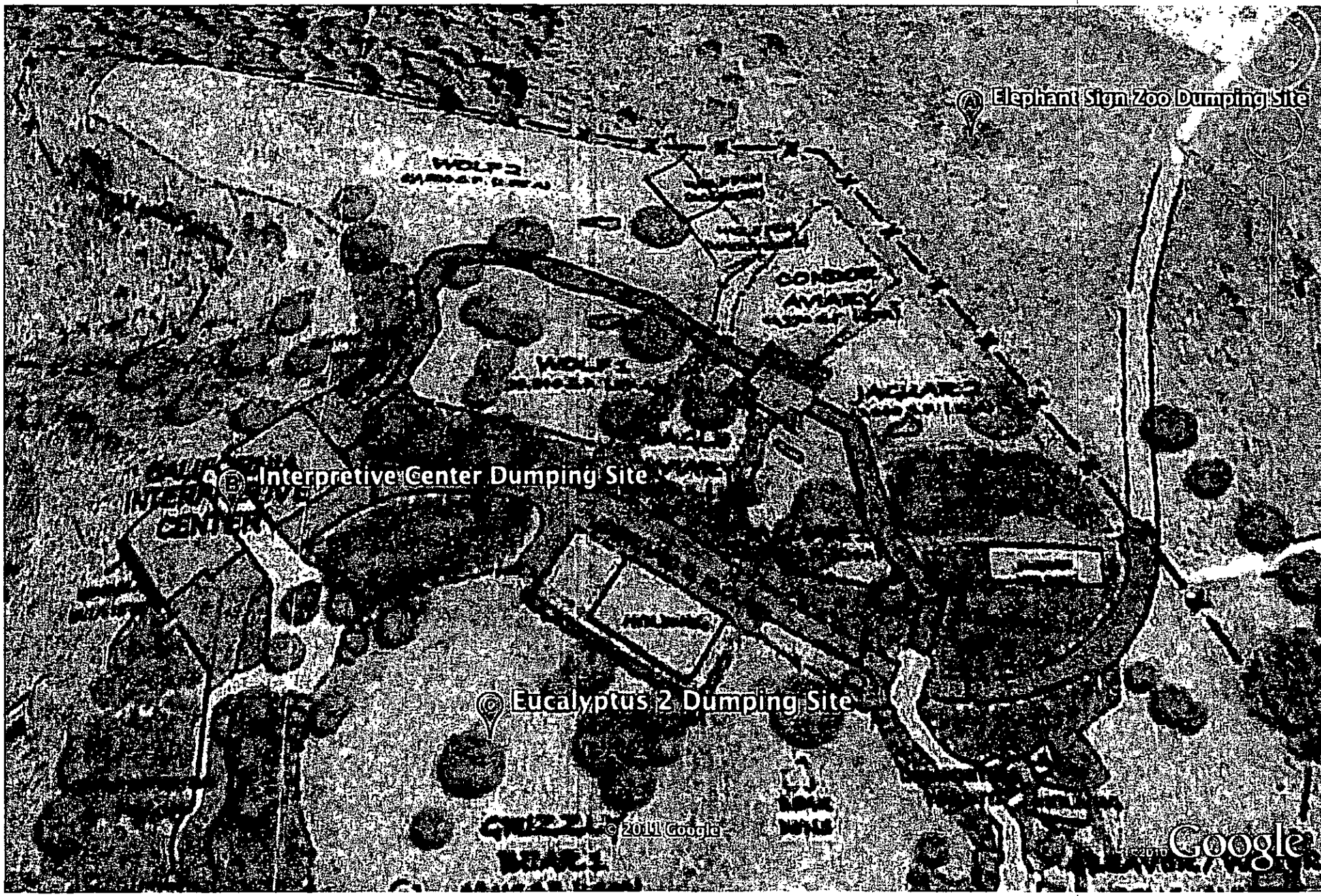
Report a problem


Dumping Site B: Interpretive Center Location
Construction Debris
Manure Dumping
Interpretive Center Dumping Site
Eucalyptus
Ruler
Line
Path
Polygon
Circle
Perimeter:
667.37
Feet
Area:
13,901.02
Square Feet
Mouse Navigation
Save
Clear
© 2011 Google
Eucalyptus
©2010 Google


Elephant Sign Zoo Dumping Site
Interpretive Center Dumping Site
Eucalyptus 2 Dumping Site
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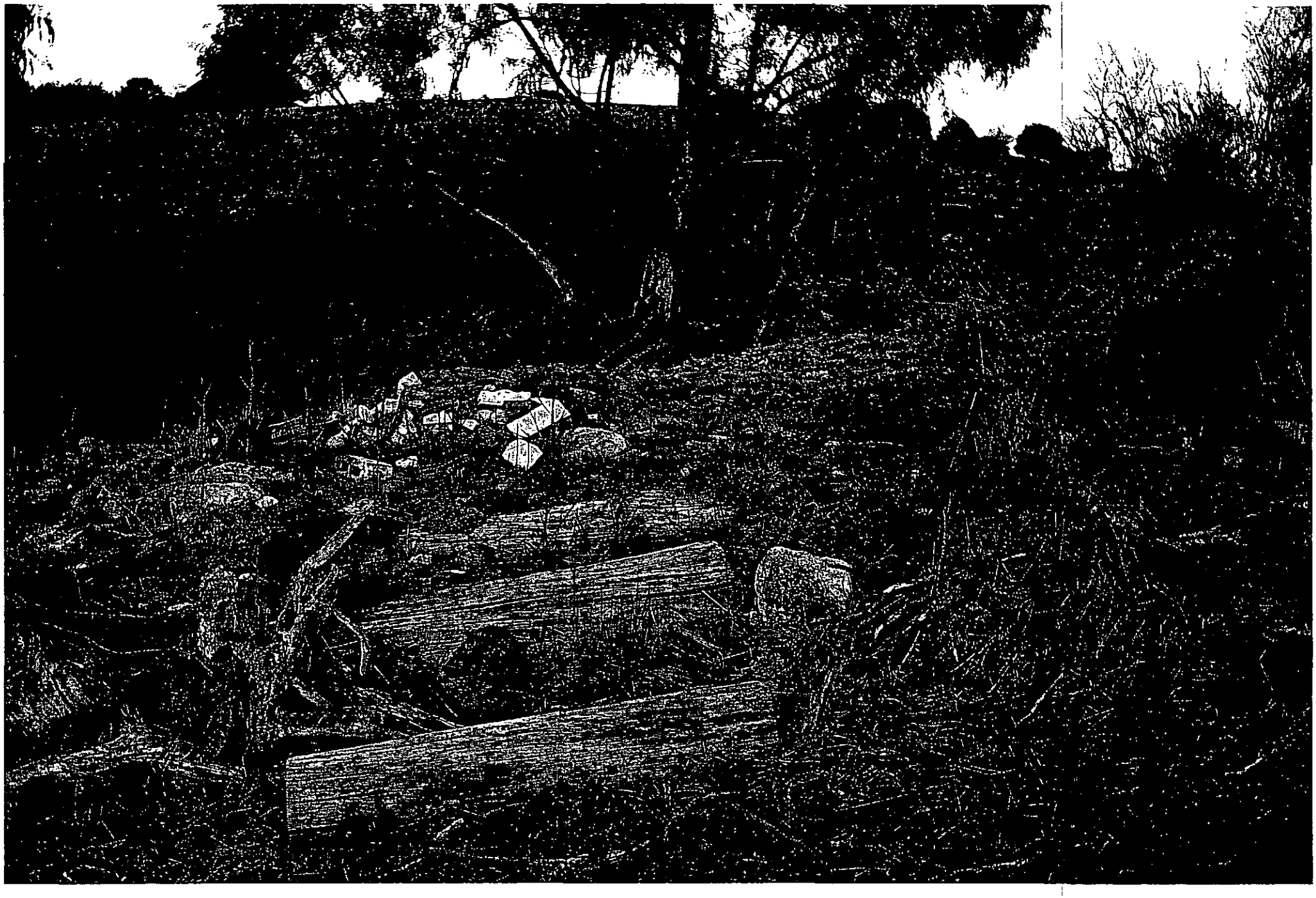

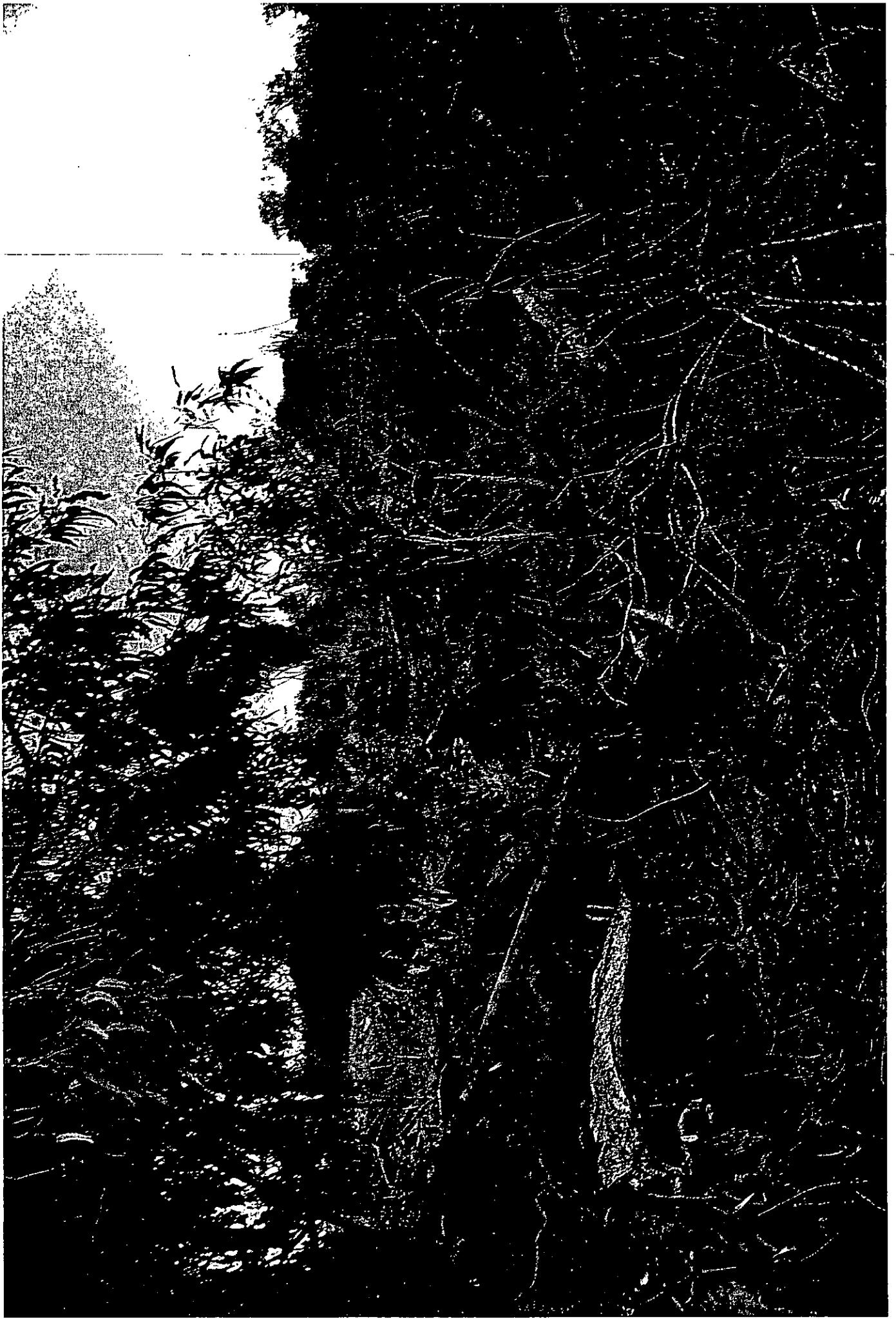

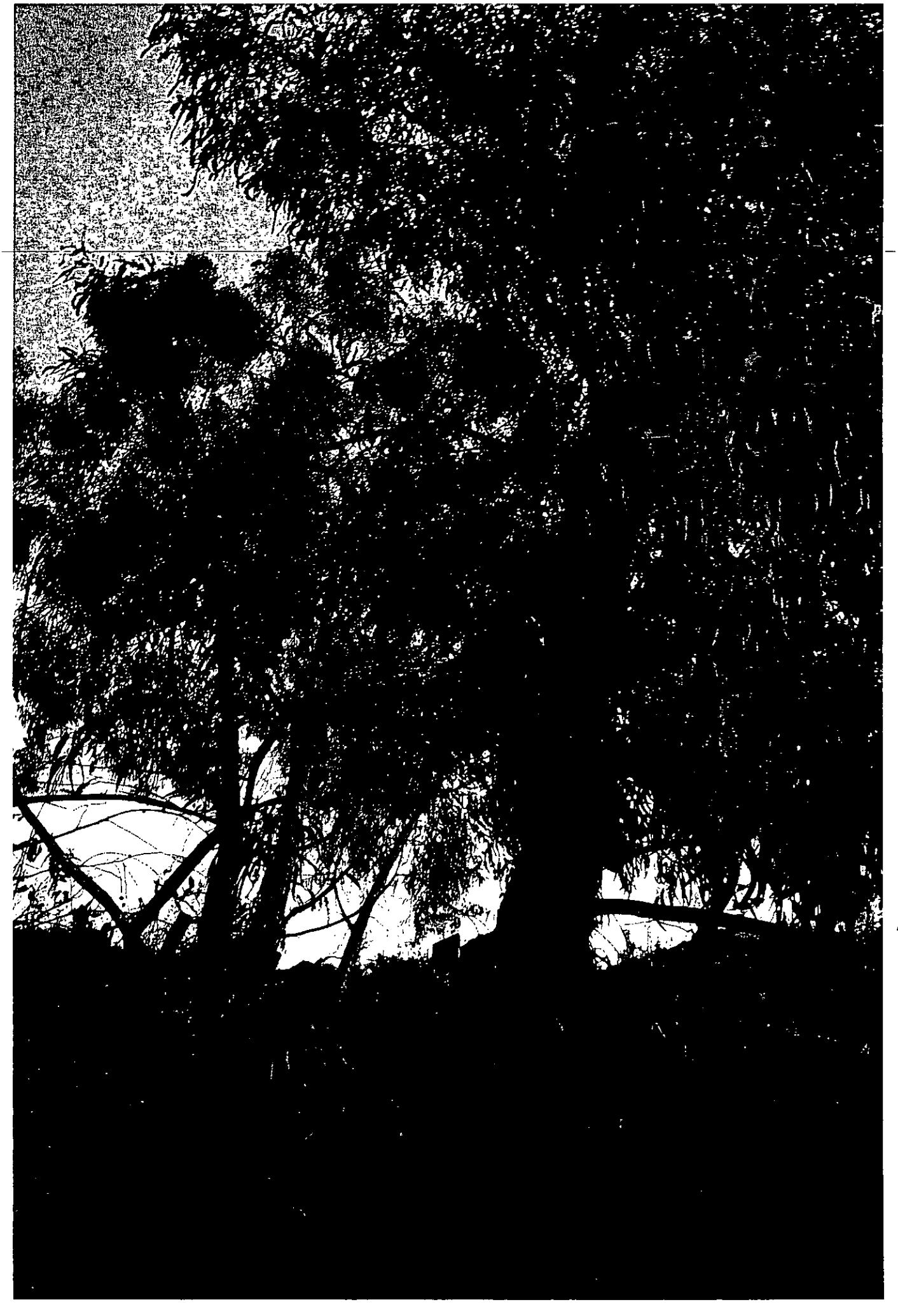

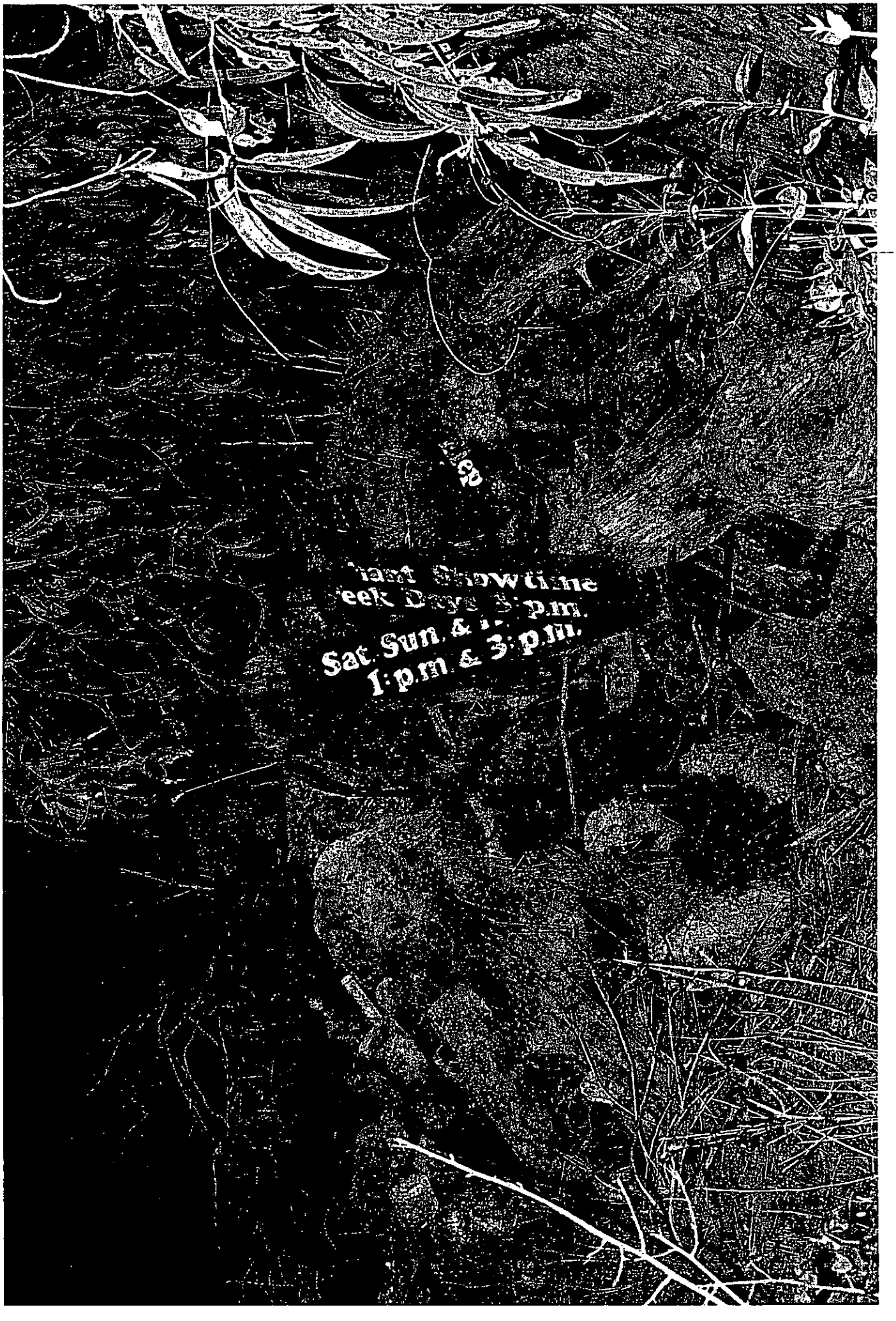
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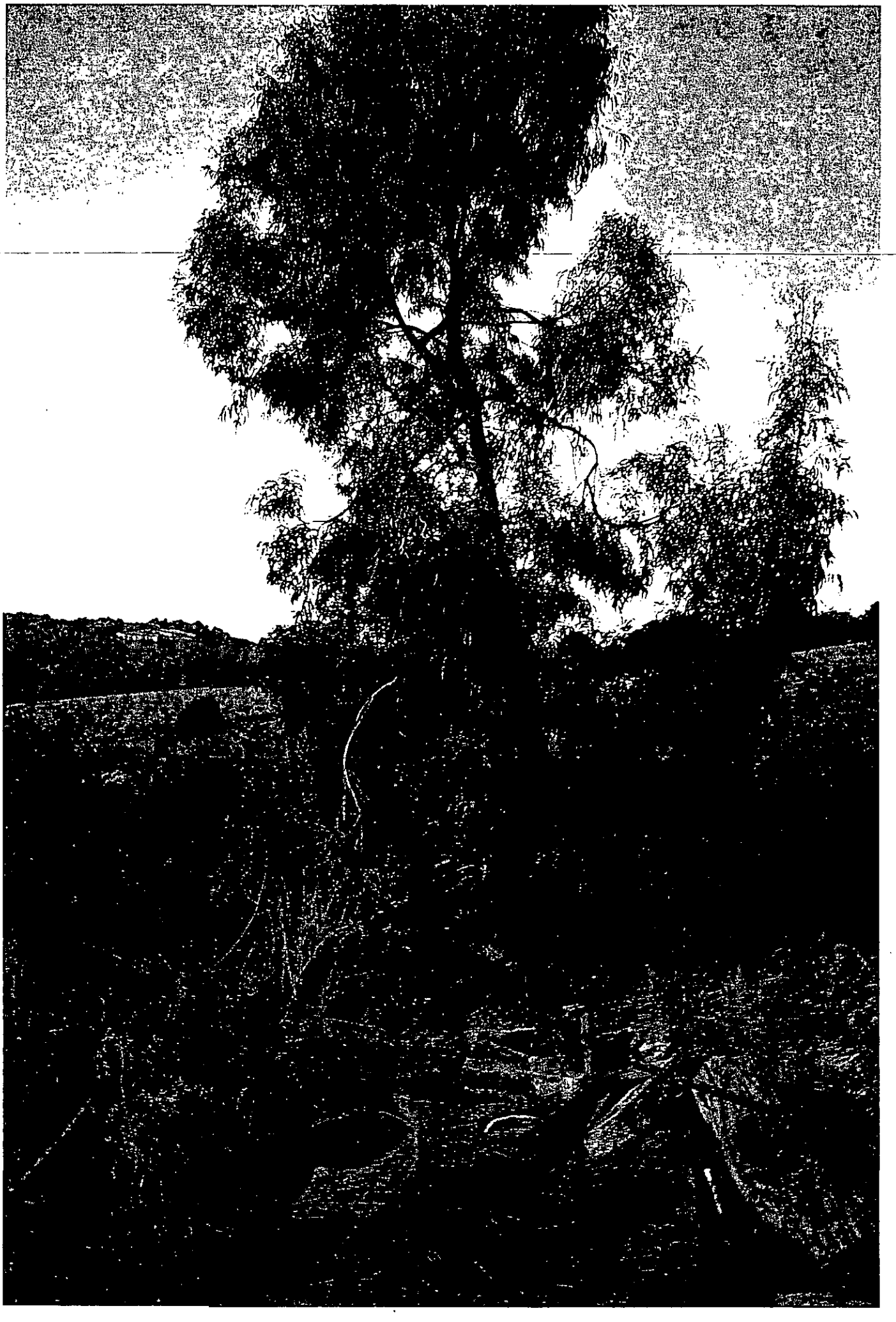
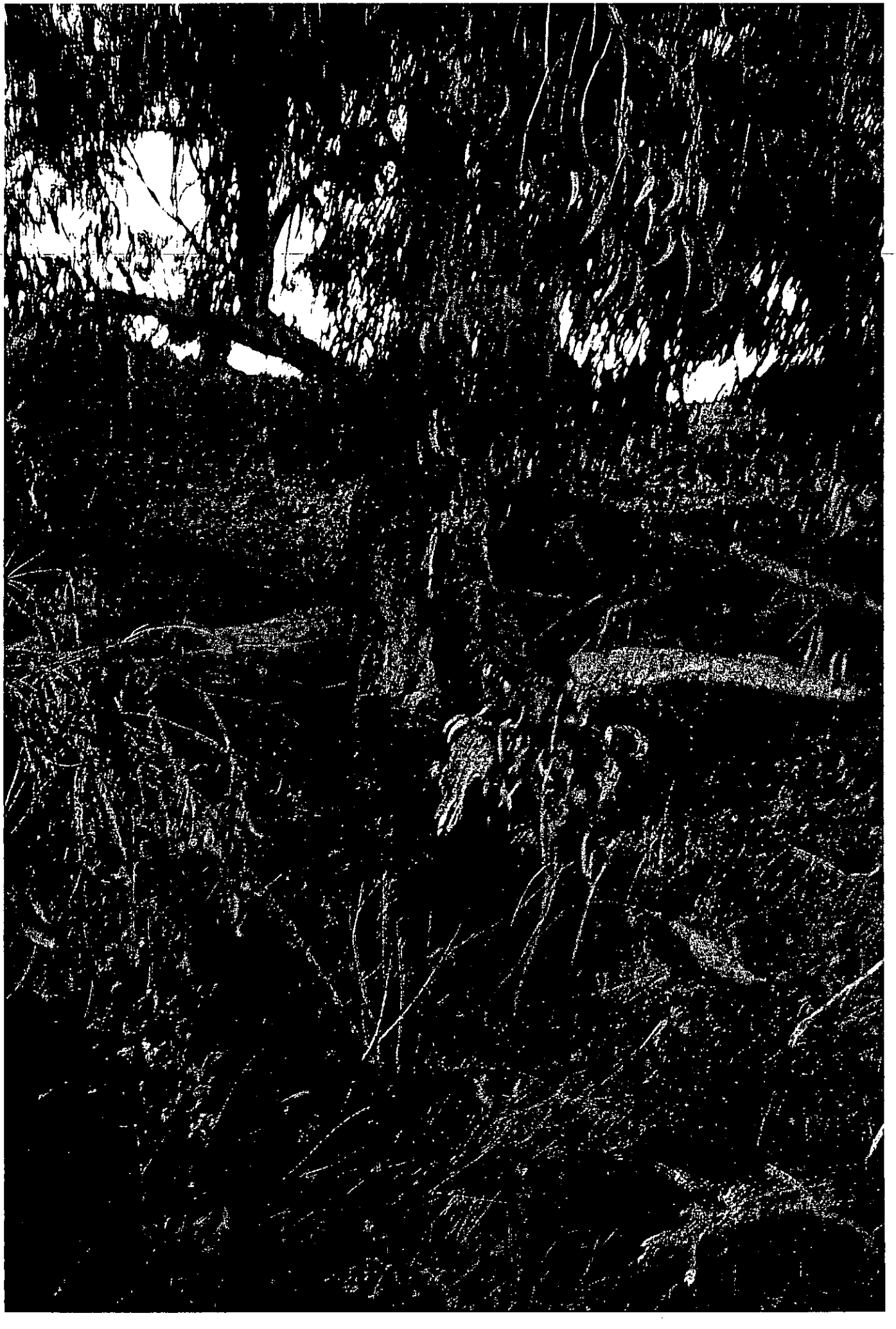
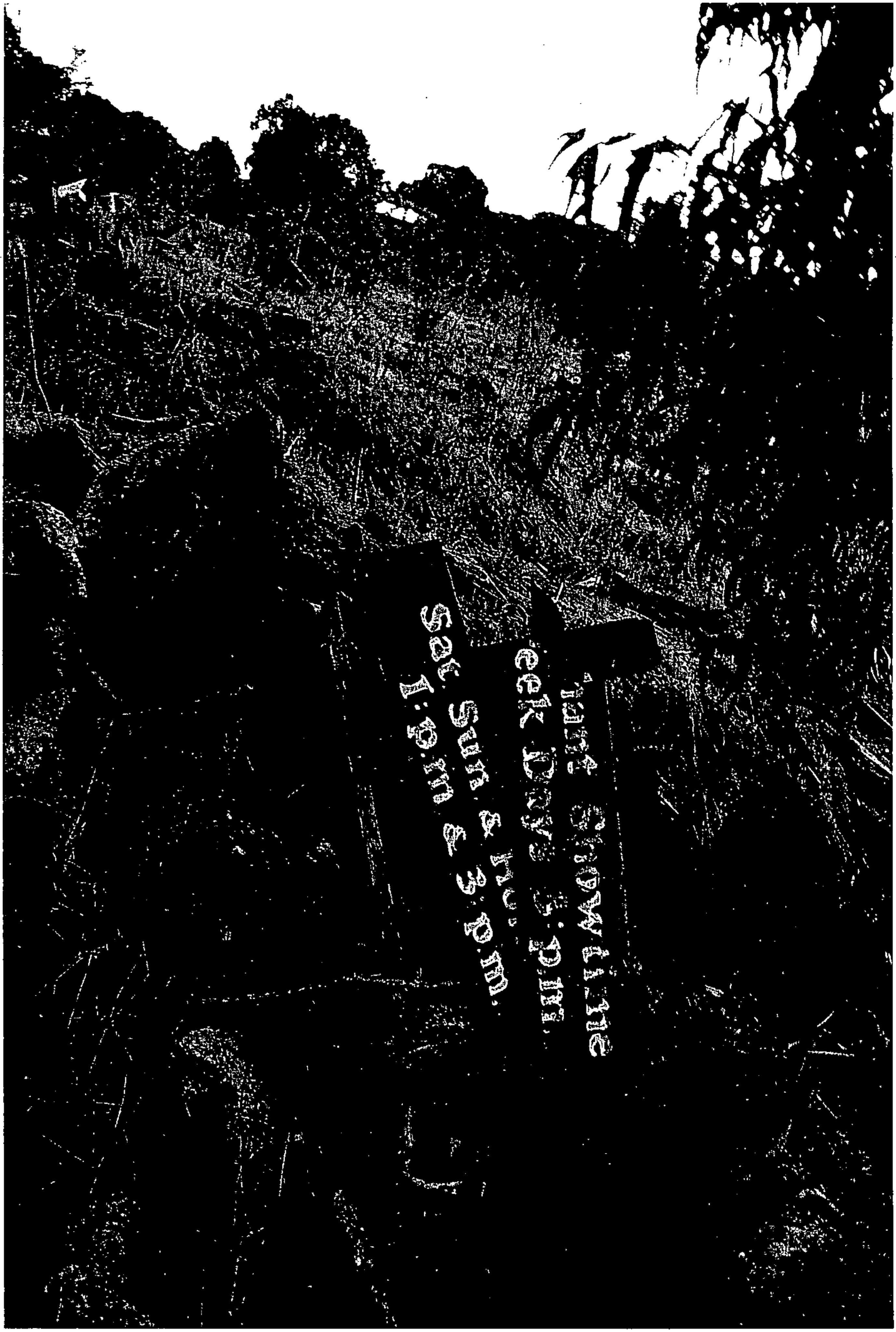
Days 5 p.m.
Sat. Sun. &
1 p.m. & 3 p.m.





Last Showtime
Week Days 3 p.m.
Sat. Sun. &
1 p.m. & 3 p.m.


unt Snowline
eek Days 3 p.m.
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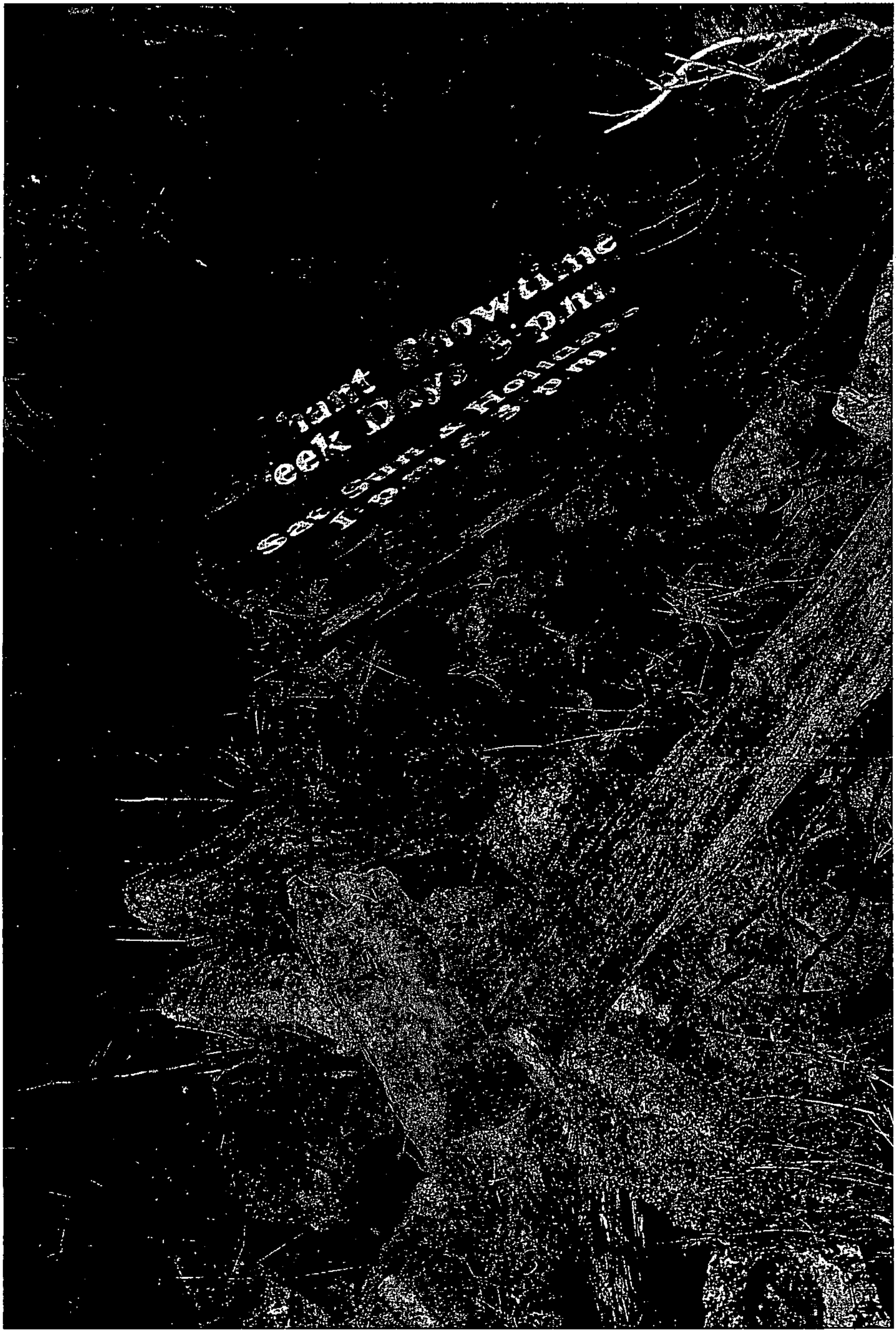
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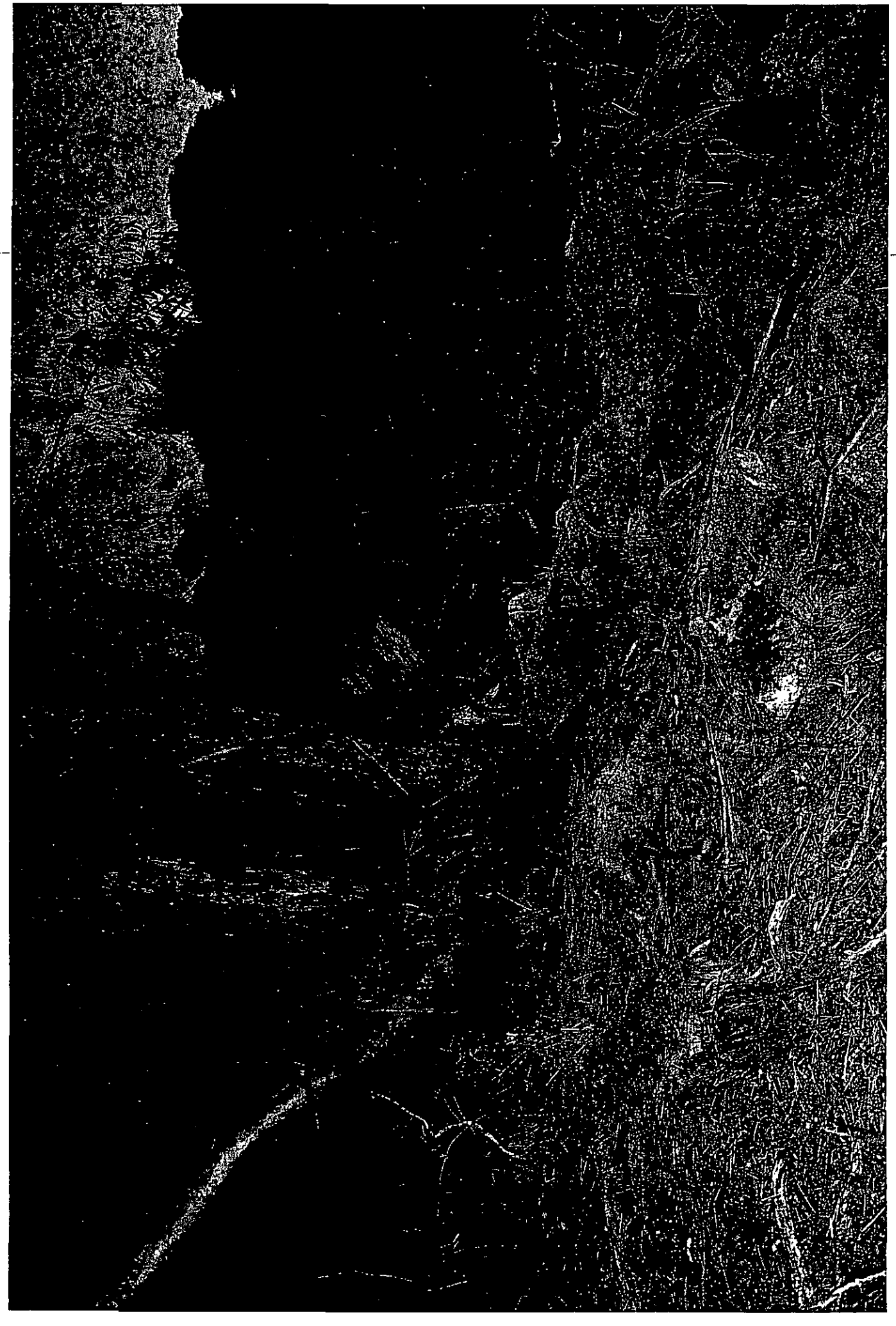
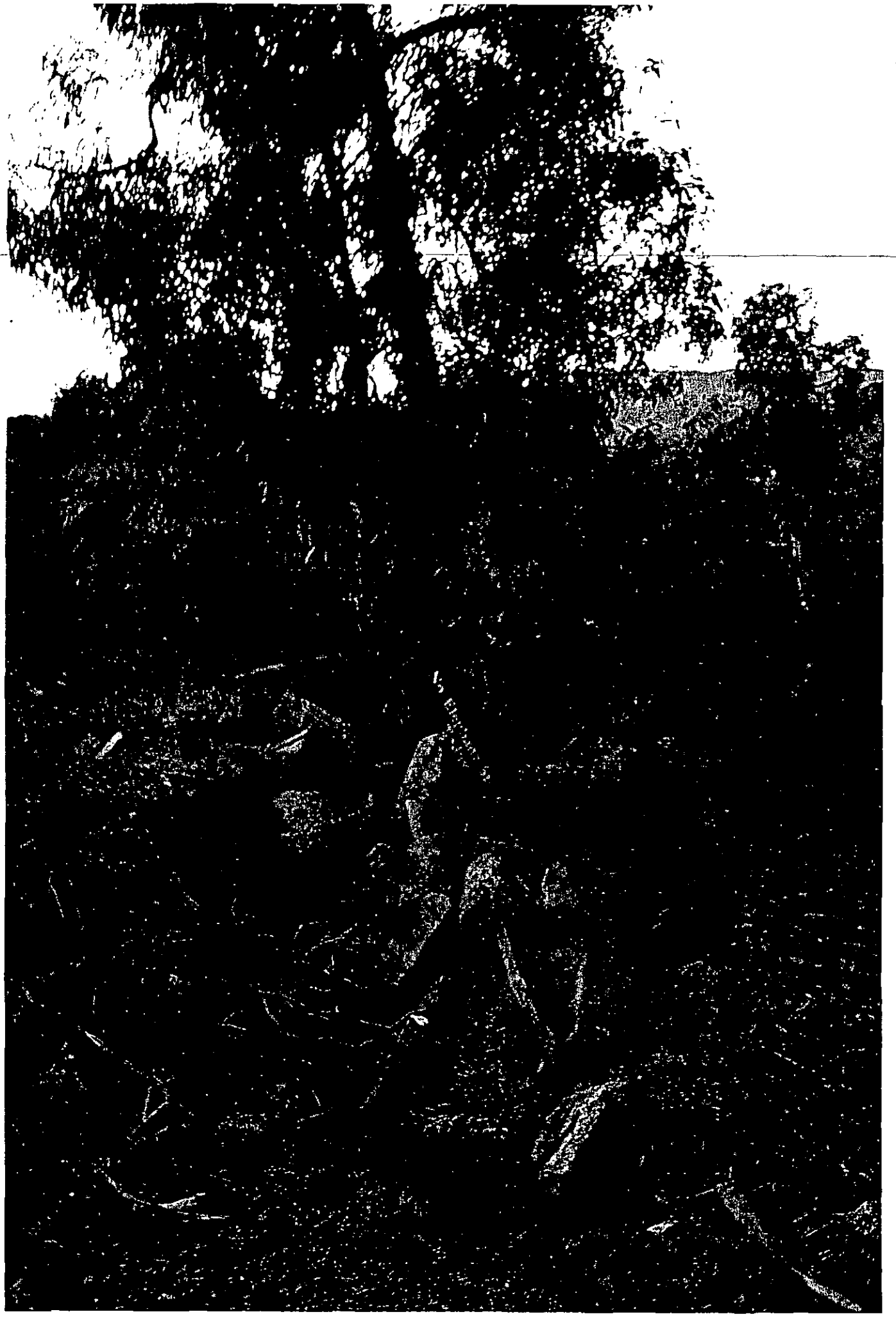
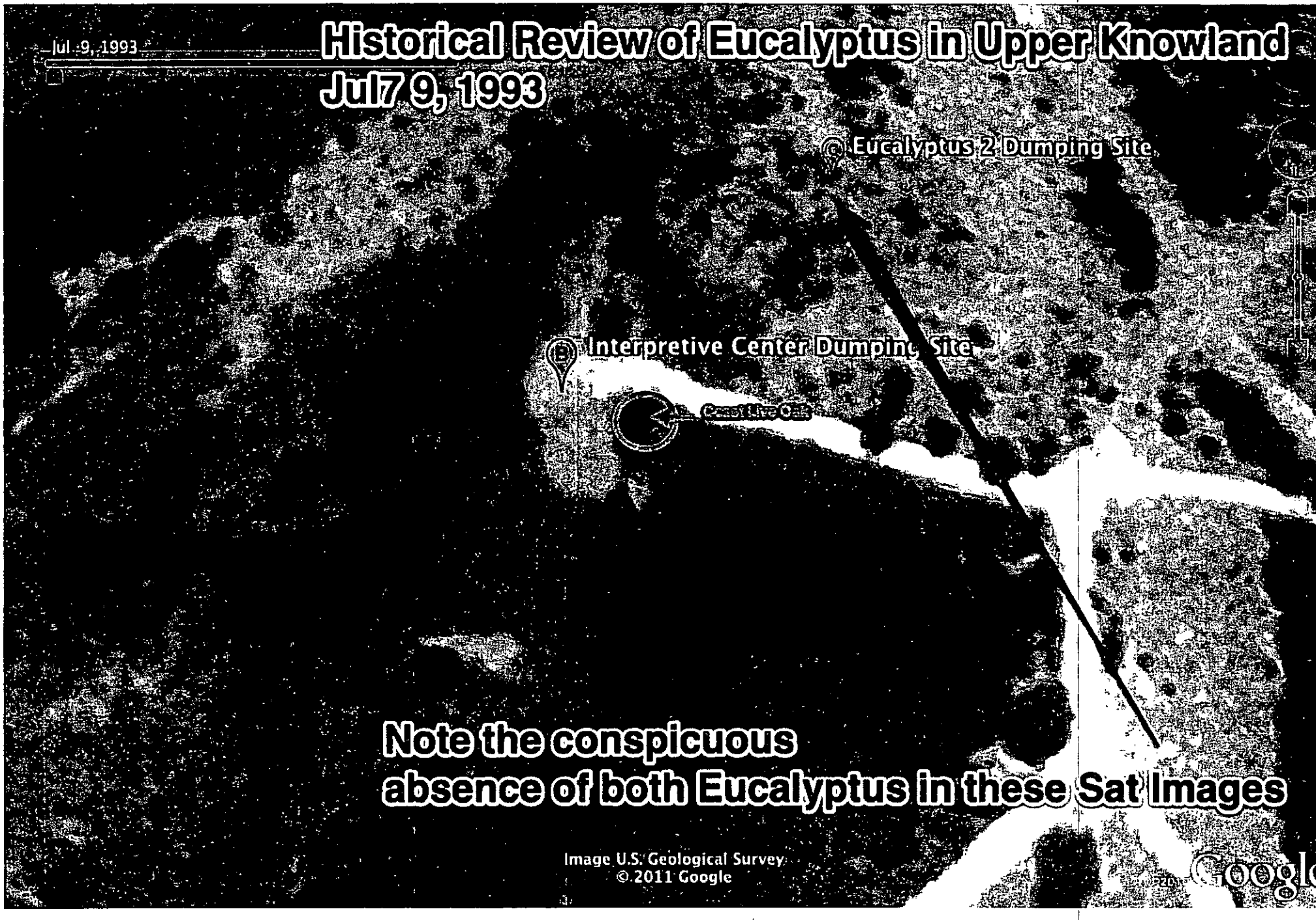


No Elephant Show
Today




Jul 9, 1993
Historical Review of Eucalyptus in Upper Knowland
Jul7 9, 1993
Eucalyptus 2 Dumping Site
Interpretive Center Dumping Site
Note the conspicuous
absence of both Eucalyptus in these Sat Images
Image U.S. Geological Survey
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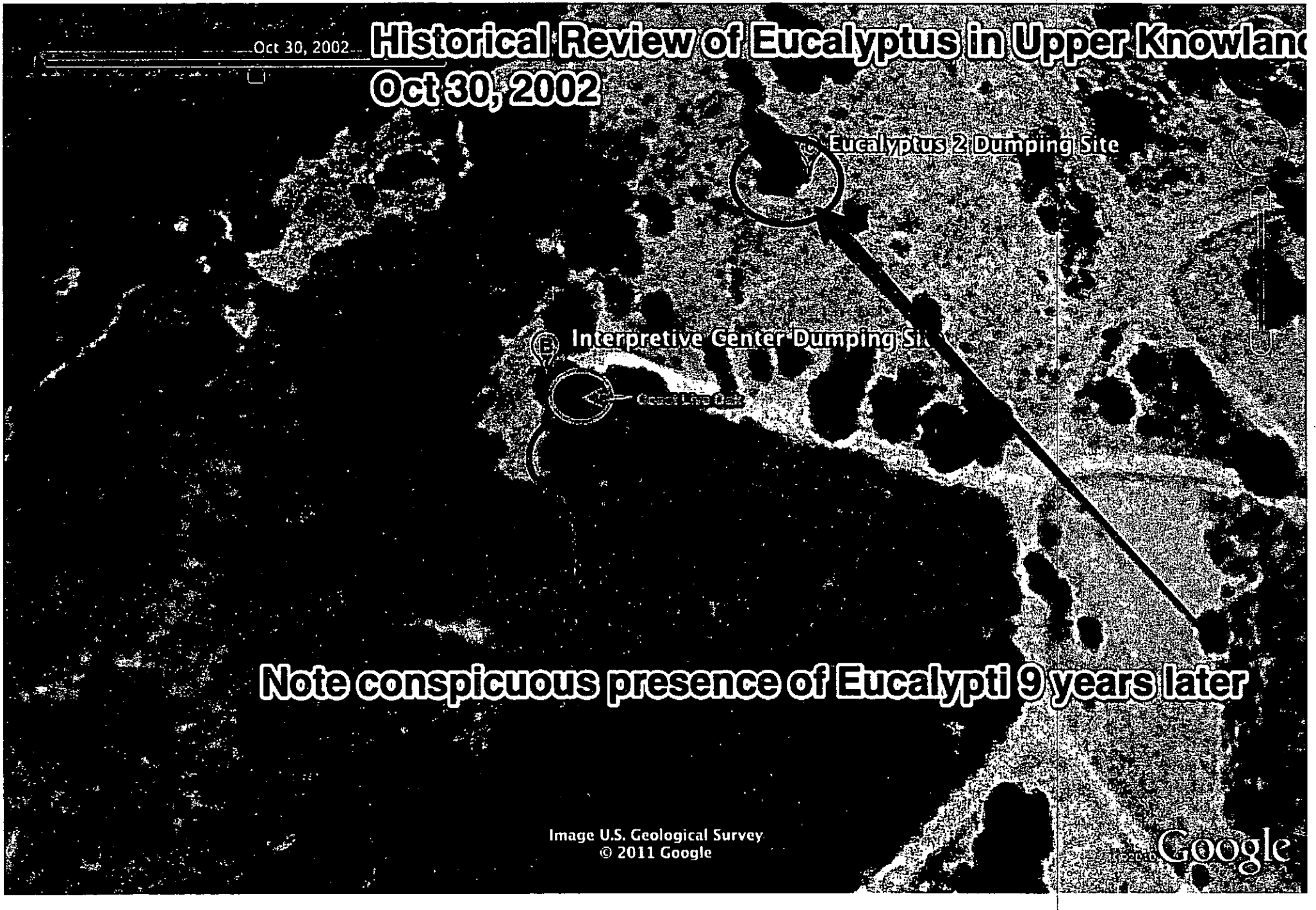
Historical Review of Eucalyptus in Upper Knowland
Oct 30, 2002
Oct 30, 2002
Eucalyptus 2 Dumping Site
Interpretive Center Dumping Si
Coast Live Oak
Note conspicuous presence of Eucalypti 9 years later
Image U.S. Geological Survey
© 2011 Google
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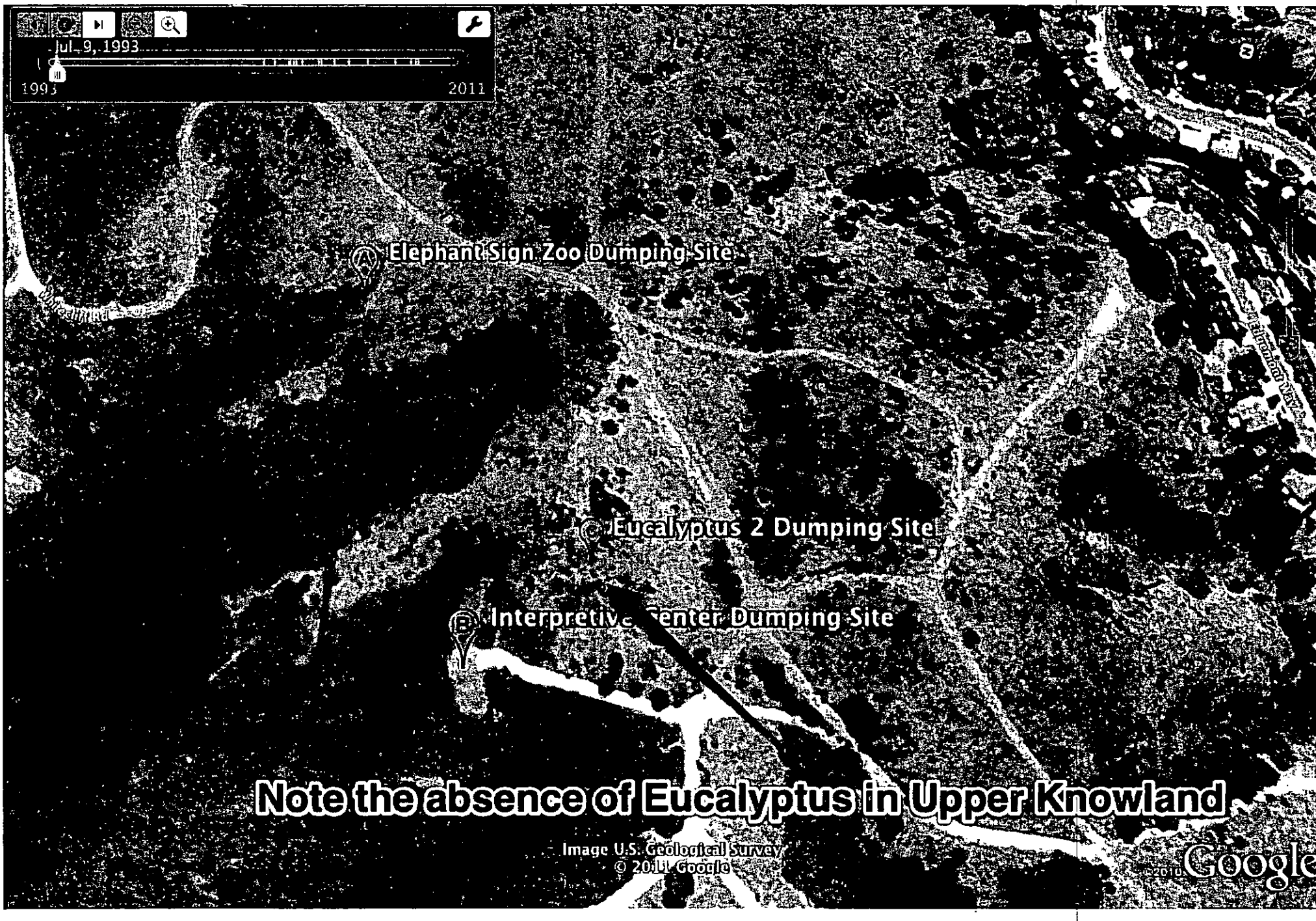
Jul 9, 1993
1993
2011
Elephant Sign Zoo Dumping Site
Eucalyptus 2 Dumping Site
Interpretive Center Dumping Site
Note the absence of Eucalyptus in Upper Knowland
Image U.S. Geological Survey
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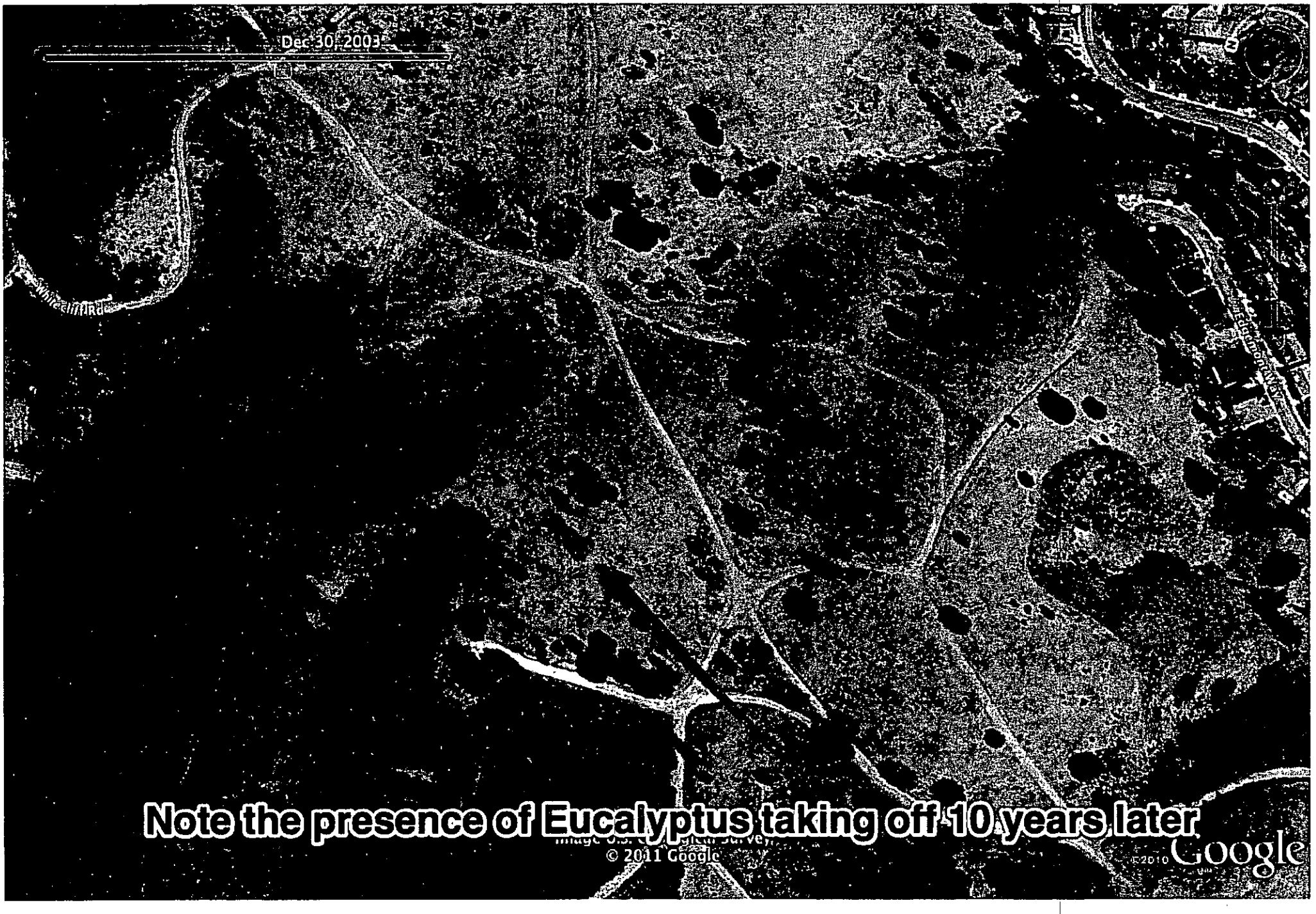
Dec 30, 2003
Note the presence of Eucalyptus taking off 10 years later
© 2011 Google
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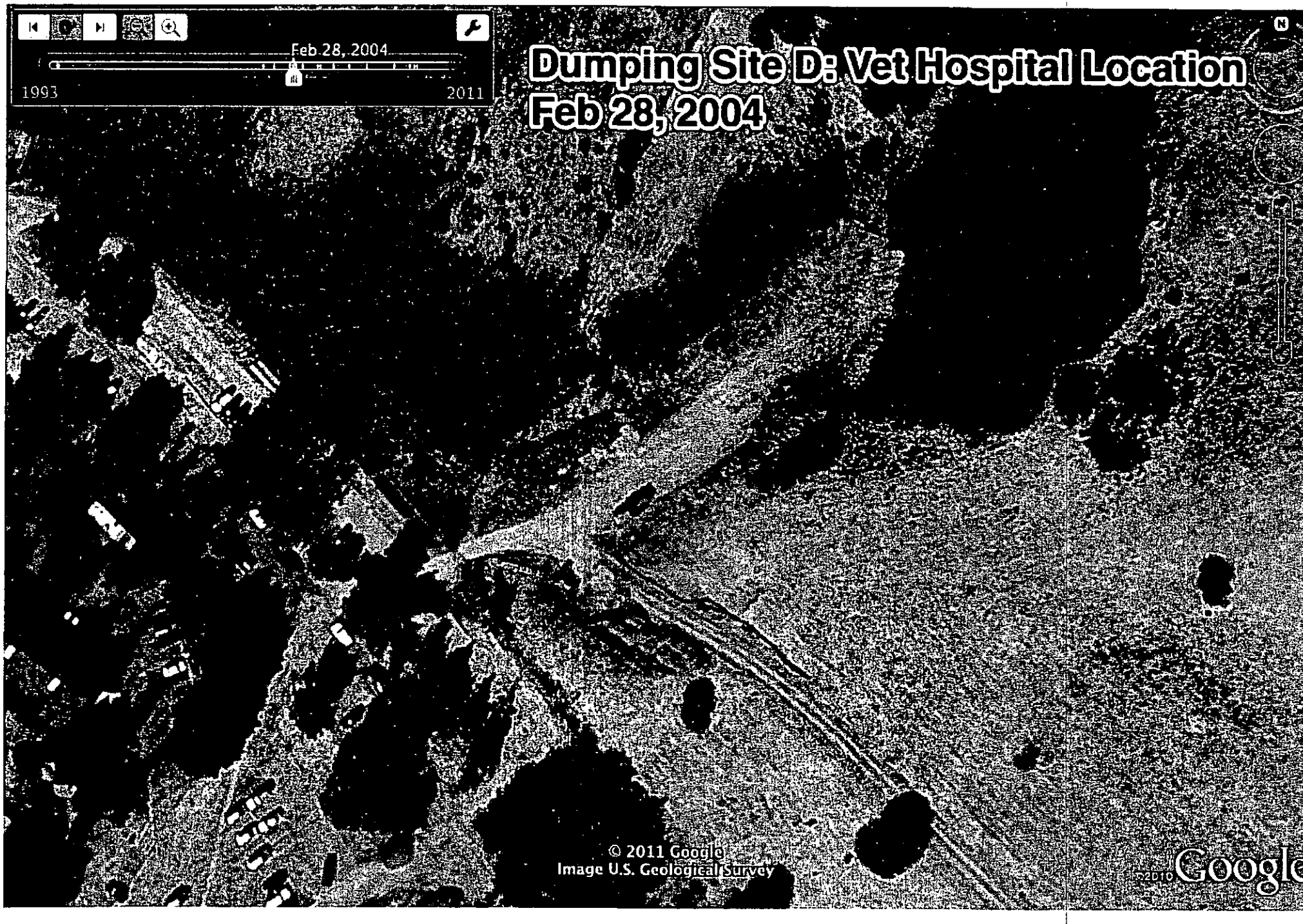
Feb 28, 2004
1993
2011
Dumping Site D: Vet Hospital Location
Feb 28, 2004
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Image U.S. Geological Survey
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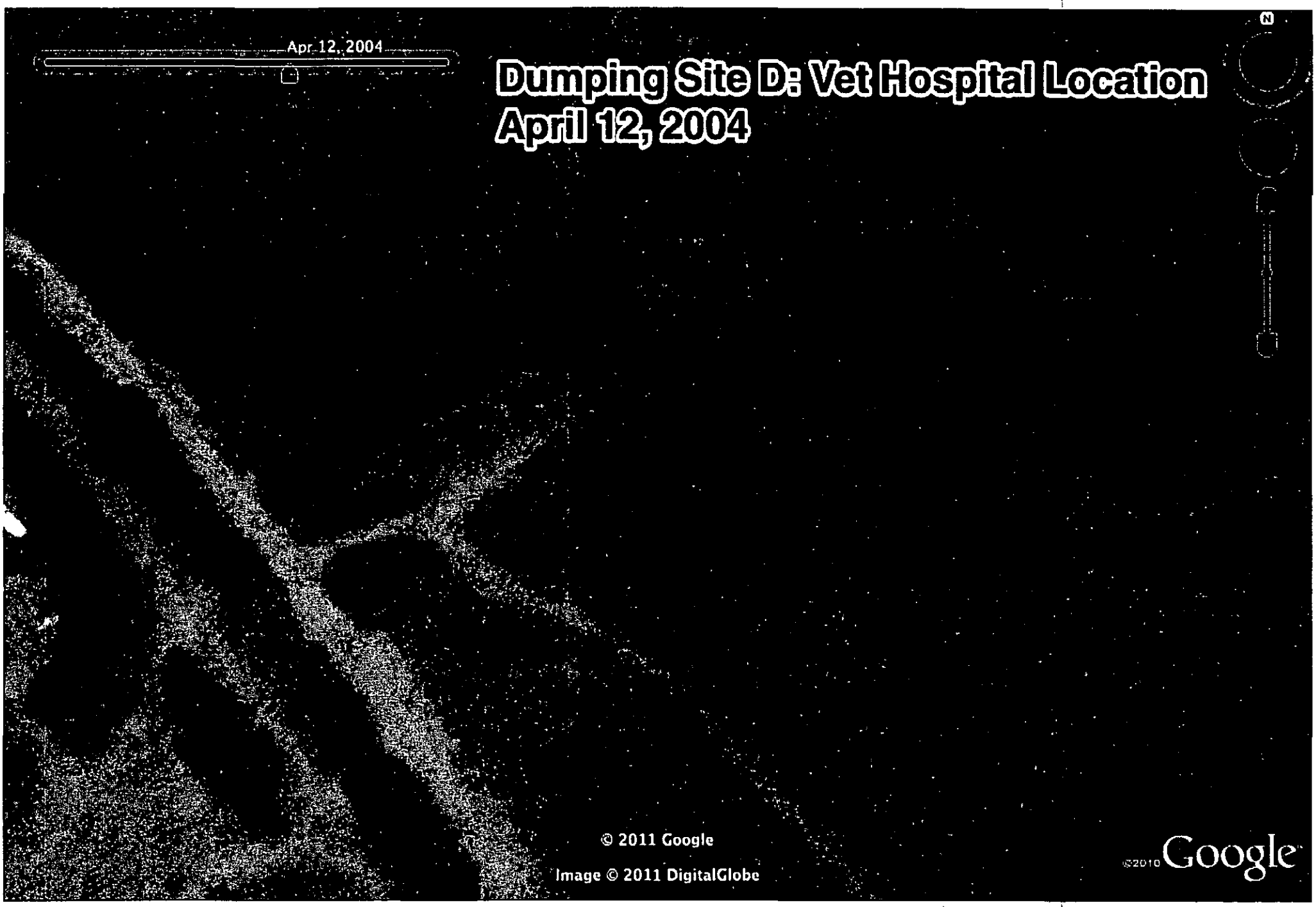
Apr 12, 2004
Dumping Site D: Vet Hospital Location
April 12, 2004
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Image © 2011 DigitalGlobe
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May 22, 2005
Dumping Site D: Vet Hospital Location
May 22, 2005
N
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Dec 30, 2005
Dumping Site D: Vet Hospital Location
Dec 30, 2005
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Sep 29, 2008
1993
2011
Dumping Site D: Vet Hospital Location
Sep 29, 2008
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Jun 5, 2009
Dumping Site D: Vet Hospital Location
June 5 2009
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Image USDA Farm Service Agency
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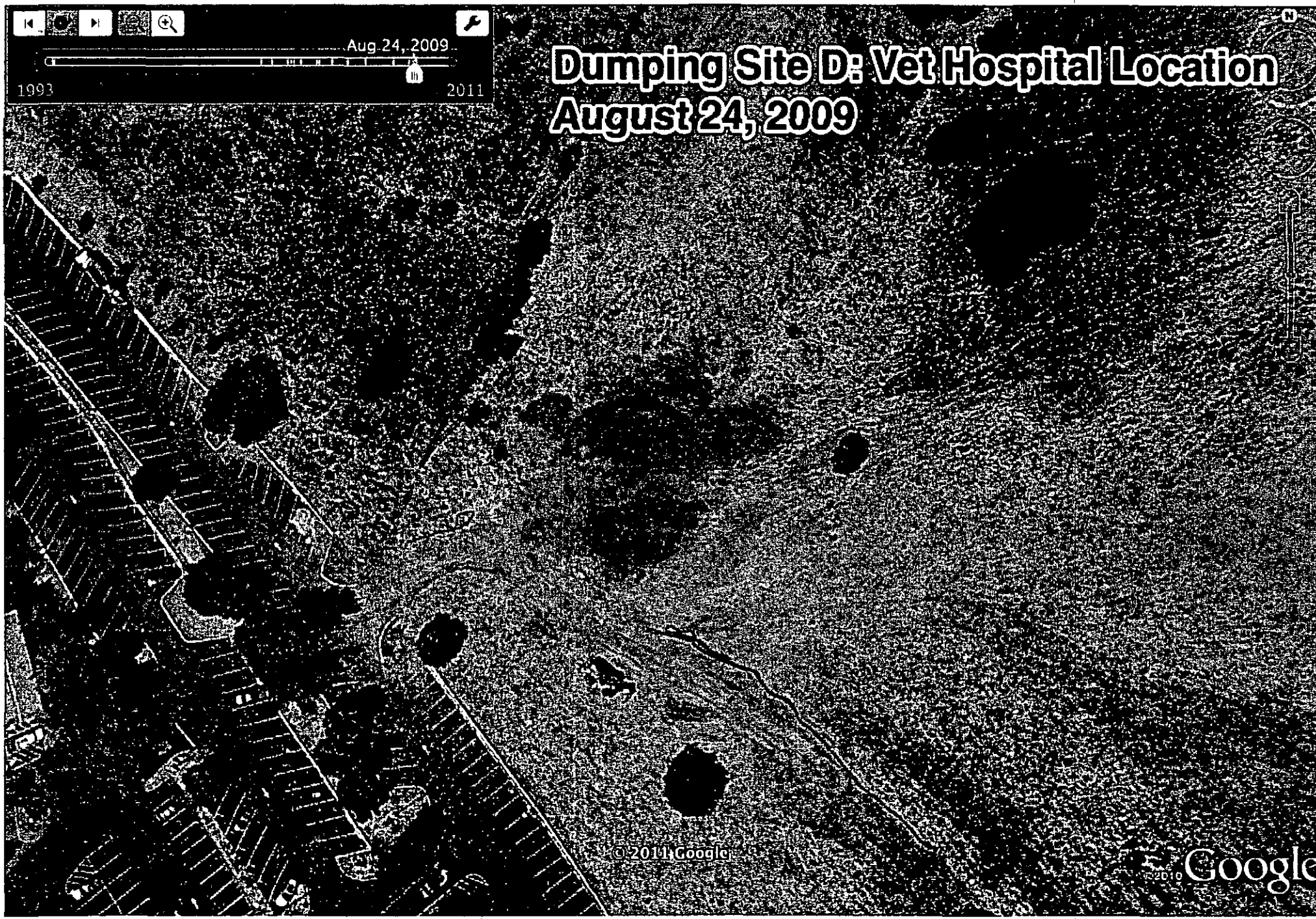
Aug 24, 2009
1993
2011
Dumping Site D: Vet Hospital Location
August 24, 2009
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Oct 1, 2009
Dumping Site D: Vet Hospital Location
Oct 1, 2009
© 2011 Google
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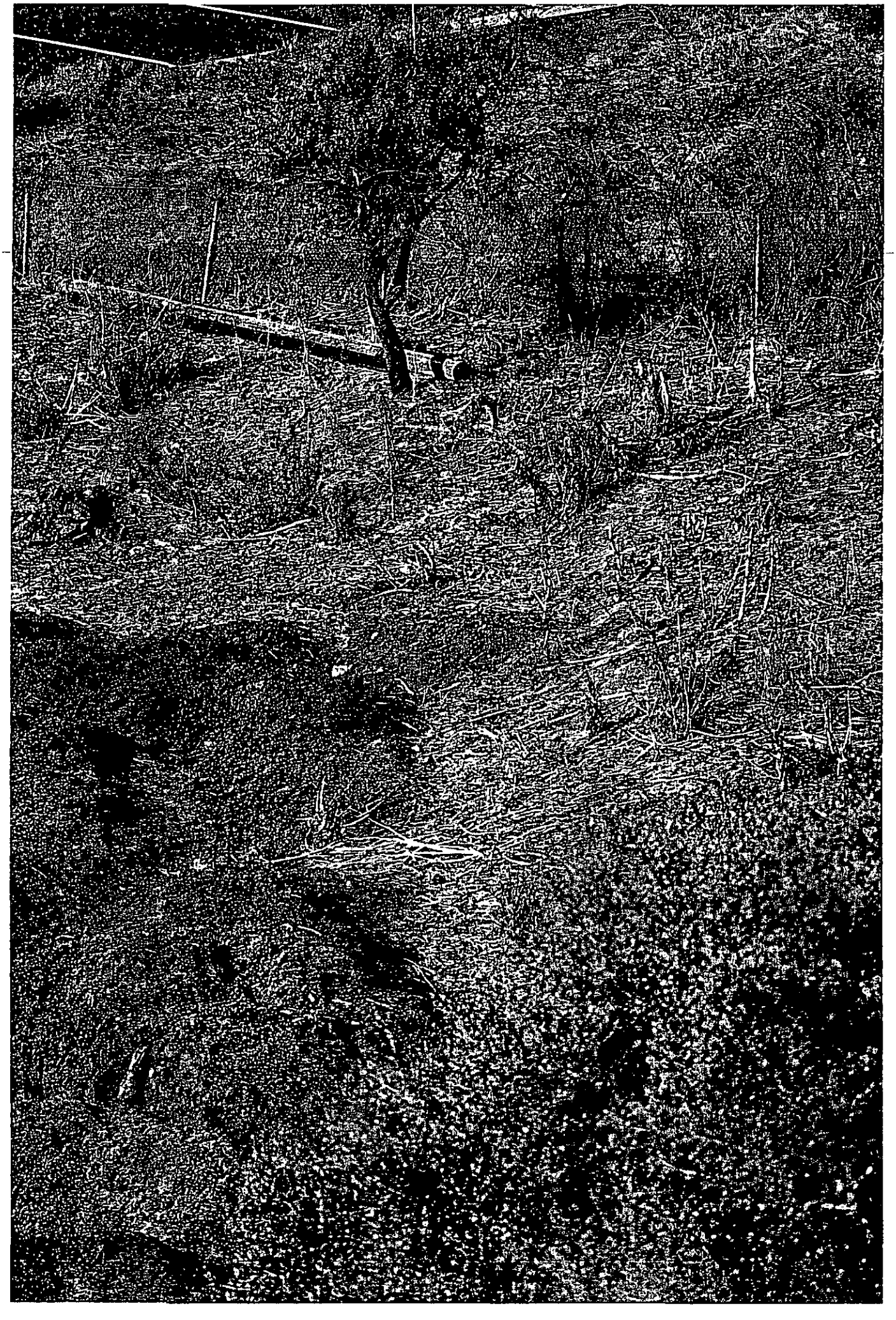
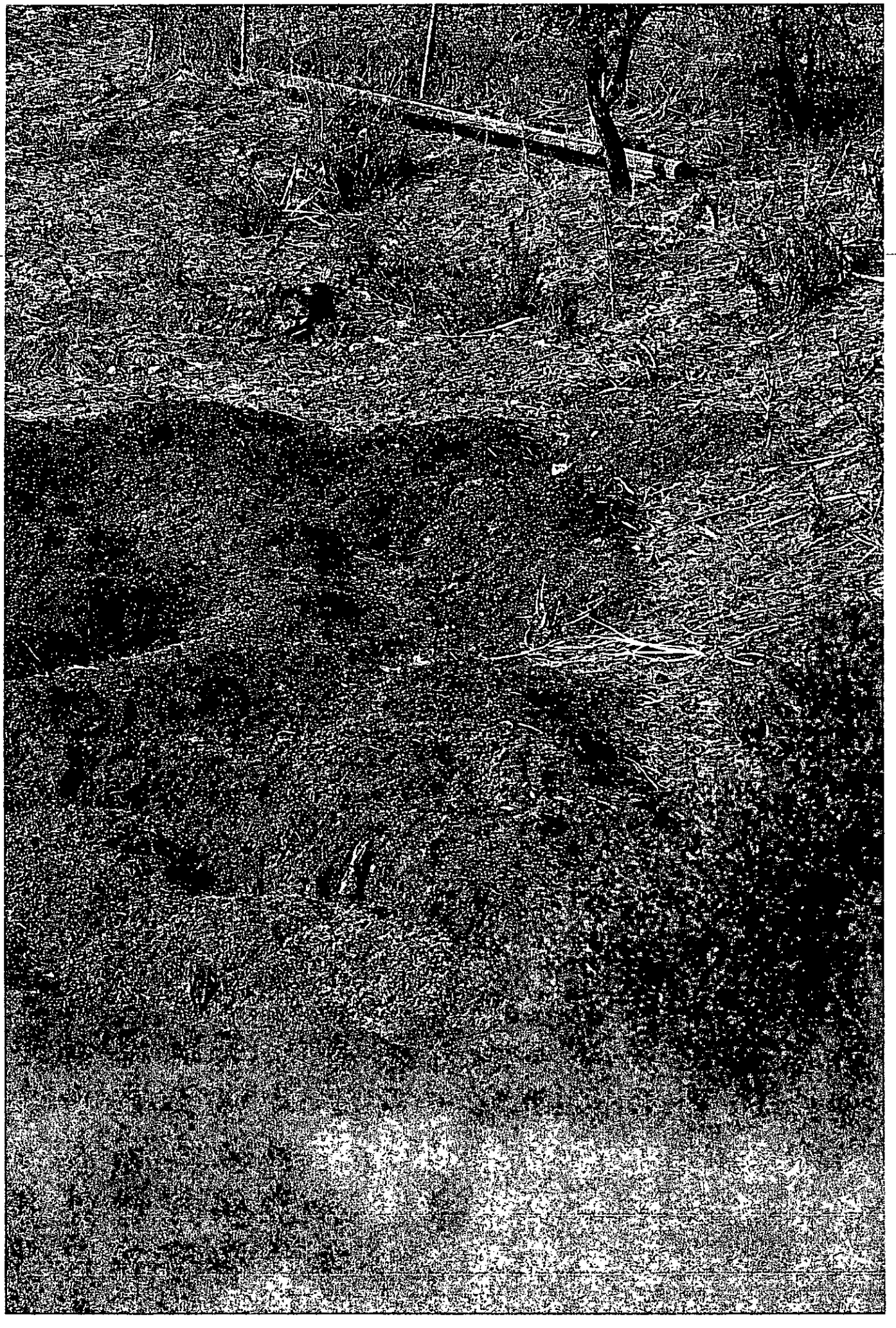
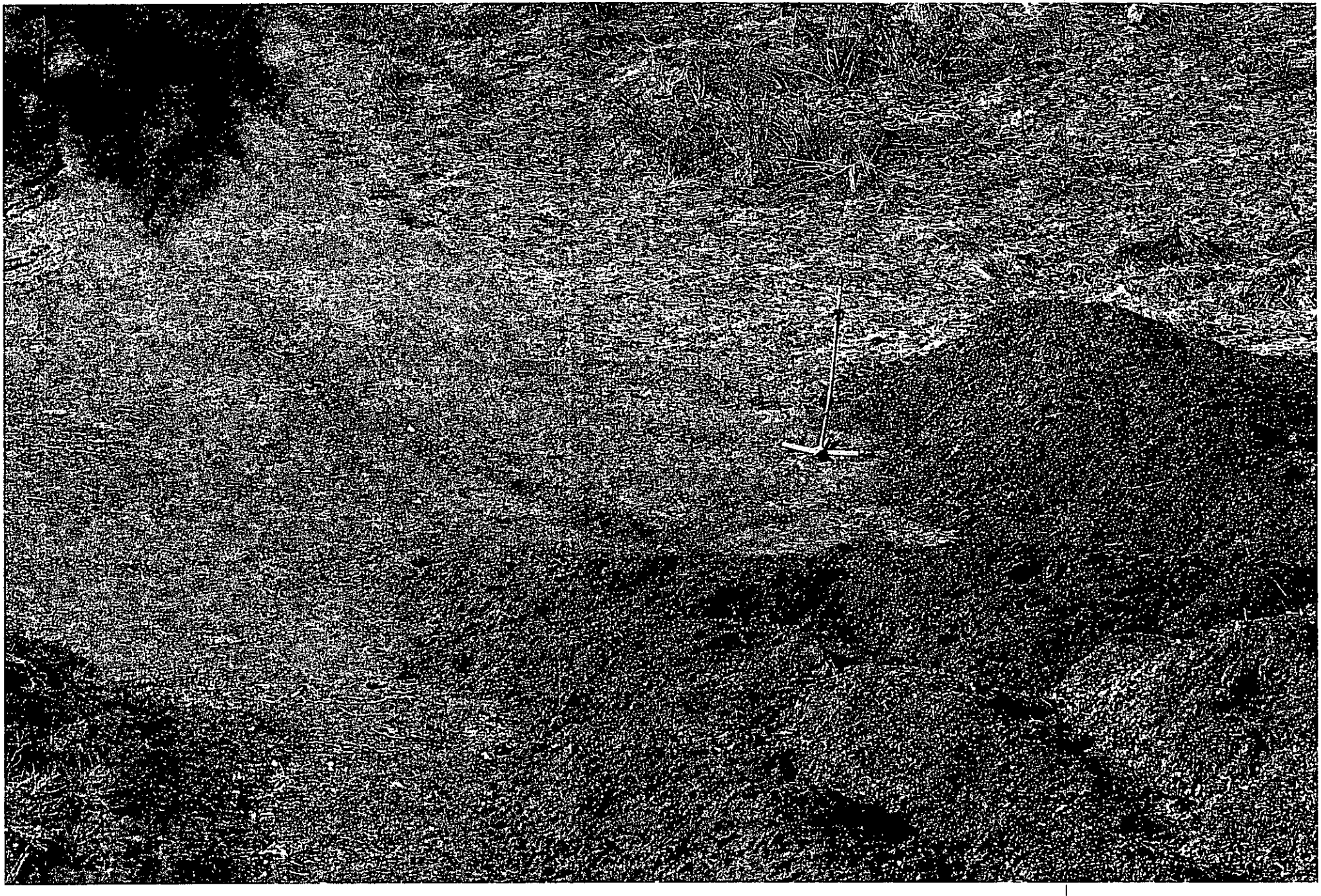
Current Dumping Site D: Vet Hospital Location
circa 2011
Creek Drainage Alignment
Dumping Piles
Current Dumping Site - Proposed Vet Hospital Location
©2011 Google
©2010 Google







Attachment 4:

Comments from the California Native Plant Society, dated March 14, 2011

California Native Plant Society
East Bay Chapter P O Box 5597, Elmwood Station, Berkeley, CA 94705

To: Darin Ranelletti, Planner III
Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

From: East Bay Chapter of the California Native Plant Society

Date: March 14, 2011

Re: Proposed Amendment to the Master Plan for the Oakland Zoo (Major Conditional Use Permit No. CM09085) and Draft Subsequent Mitigated Negative Declaration/ Addendum

Dear Mr. Ranelletti and Oakland Planning Commissioners:

The East Bay Chapter of the California Native Plant Society (EBCNPS) appreciates the opportunity to comment on the matter before you concerning the Proposed Amendment to the Master Plan for the Oakland Zoo (Major Conditional Use Permit No. CM09085) and the Draft Subsequent Mitigated Negative Declaration/Addendum.

The California Native Plant Society is a statewide non-profit conservation organization. CNPS works hard to protect California's native plant heritage and preserve it for future generations. Our members include both professional and lay botanists and the interested public. We promote native plant appreciation, research, education, and conservation through our 5 statewide programs and 33 regional chapters in California. The East Bay Chapter (EBCNPS) covers Alameda and Contra Costa Counties and its membership totals some 1200 members, many of whom live in Oakland.

GENERAL CONSIDERATIONS

Our Purpose in Commenting

EBCNPS has long cherished Knowland Park, a favorite destination for our members who enjoy hiking and botanizing its marvelous open spaces. Since public access to Knowland Park is currently both free of cost and available (though not well known), our chapter has led field trips there to see its rare native grasslands and locally rare plant species. Knowland Park is not listed among other city parks on the Oakland Parks and Recreation website, a fact that tends to obscure its true importance to the community. Points of access from the surrounding neighborhood are largely unsigned. While developed parks such as the Oakland zoo *are* listed on the city website, the conunanding views and

relatively unspoiled plant communities of Knowland Park remain one of the best kept secrets on the west side of the East Bay hills. Many Oakland residents do not know how to access the park, and this relative invisibility unfortunately tends to make Knowland Park both under-appreciated by the public at large and completely unprotected by the City. As a result, Knowland Park has been treated by the City and by the zoo as surplus land rather than a distinct resource with its own integrity and purpose.

What is *not* at issue here is whether the zoo is an important and valued institution for Oakland or the region, or whether it has brought money, jobs, and educational opportunities to the city, or whether it should or will expand. EBCNPS would agree to all of the above. We have been in discussion with the zoo for many years over how best for its mission to be continued in Knowland Park, with full knowledge that the zoo intended to expand.

EBCNPS has commented for well over a decade both formally and informally with the Oakland zoo about its plans to expand, and in the course of these discussions we have emphasized the importance of stewardship and protection of Knowland Park. Representatives from EBCNPS have also attended each of the public meetings in the past few years regarding the new plans for expansion where we repeatedly emphasized our desire to see an authentic resource management plan for Knowland Park. In these discussions, we expressed our dismay at the lack of stewardship of Knowland Park on the part of the zoo most notably in the lack of control of invasive weeds emanating from the zoo. We have repeatedly requested to see the specific plans for expansion so that we could determine how these would fit into a sound resource management plan. Last year some of these plans were finally made available, and we once again offered comment. Although the mission of CNPS and the mission of the Oakland zoo are each directed toward conservation, we have explained repeatedly that we cannot and will not endorse the expansion without credible evidence that the zoo is fully prepared to act upon our reasonable requests. Nothing could be more cruelly ironic than to destroy the native plants of Knowland Park in the course of creating exhibits designed to educate the public about the tragic loss of California native wildlife species.

What is at issue here is whether proper environmental review has been done to assure the public and decision-makers who aren't intimately familiar with the day to day planning for expansion on the part of the zoo for and with the City—whether this review has been correctly applied so that the public can be assured that the project has been thoroughly described, important natural resources (and other resources) within the project and its vicinity identified, potential impacts to these resources called out, and whether most importantly, based on this analysis appropriate mitigations have been determined and will be required of the project applicant. This is the entire purpose of the California Environmental Quality Act.

Application of CEQA

While the Planning Commission's decision is whether to recommend approval of the proposed amendment and of the Draft Subsequent Mitigated Negative Declaration/Addendum DSMND/A to the City Council, the commissioners' adequate consideration is based very much on whether they've been fully informed of the ramifications of their decision. Thus it hinges on whether the CEQA document is the proper instrument for this task.

Legally, the level of CEQA review applied must fit the requirements of the CEQA guidelines. There is a "fair argument" under CEQA guidelines of "substantial evidence" that the zoo expansion may have significant adverse environmental impacts. Pursuant to Section 21080 of the CEQA guidelines, "substantial evidence" includes, "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." If the impacts cannot be reduced to a less than significant level by mitigation, then an MND is the wrong tool for the task of analysis, and a full Environmental Impact Report (EIR) must be prepared. There are major differences between an MND and an EIR in the standards of review and the information required. One of the most important differences is that the project applicant must develop alternatives to the proposed project in a full EIR while the MND avoids that requirement. The amount of time given to the public and other agencies is also longer for a full EIR.

We ask the City Planning Department whether the requirement for environmental review has been consistently applied by the City to major conditional use permits and other actions likely to bring environmental impacts. For instance, the City requires a full EIR on subdivisions of four or more house. These could be located in large undeveloped lots in fully urban neighborhoods. Surely, the zoo expansion onto 56 acres of valuable and sensitive open space lands would cause more potential impacts than a four-home subdivision.

It's important to remember that the City owns the land and as lead agency for CEQA, it has a potential conflict of interest. It's extremely difficult for a government agency to maintain the distance and objectivity required to make unpartial judgments and application of stringent laws, especially with respect to a large project in a popular city institution.

Based on our reading and evaluation of the documents, EBCNPS concludes that the Draft SMND/A is inadequate in major areas, including project description, description of sensitive resources, consideration of impacts, and appropriate mitigations. Therefore, we urge the Planning Commission not to recommend to the City Council approval of the Proposed Amendment to the Zoo Master Plan and the Draft SMND/A.

We have reviewed the documents prepared for environmental review of this major project and have found them inadequate in a number of specific significant regards. We detail these below.

SPECIFIC CONSIDERATIONS OF BOTANICAL RESOURCES

The Botanical Value of Knowland Park

Knowland Park is a known botanical hotspot in the East Bay Hills and one of the few places where large stands of rare native grassland, oak woodland, coastal scrub, and chaparral occur in relatively intact condition. It is also known for its large number of locally rare species (see Attachments A and B). For these reasons it is included in our recently published *Guidebook to the Botanical Priority Protection Areas of the East Bay* (Bartosh, Naumovich, and Baker, 2010) as part of the Foothills of Southern Oakland botanical priority protection area (BPPA). We have included relevant pages from this document (see Attachment C).

We informed the City and the Zoo last year of the botanical importance of Knowland Park and of the existence of the BPPA. We also gave a copy of the appropriate file on the BPPA to the City Planning Department, but we could find no reference in the documents to the information that we submitted. Attachment D is a copy of correspondence between EBCNPS and the zoo and the City.

Furthermore, there are procedural problems that have kept this information off the public record of this project. The first omission came when we submitted a letter to the zoo last year referencing the BPPA. The zoo did not include that letter (3/24/10) in its packet to the Planning Commission containing the public correspondence it had gathered regarding the proposed expansion. Last week, in preparing for the Parks and Recreation Advisory Commission meeting on March 9th, we checked for on-line materials for the agenda. The aforementioned public correspondence was supposed to be carried forward in the public record in an Attachment C to the agenda, but none of the attachments were not available. Therefore we and other members of the public as well as the PRAC commissioners were unable to review these. Finally, we note that none of the considerable written public comment on this important and controversial project is included in the CEQA and master plan documents. Failure to maintain the public record is a serious procedural problem.

Valley Needlegrass Grassland

The proposed project will destroy many acres of rare Valley Needlegrass Grassland, a high priority native plant community ranked S3 for state rarity (see Sawyer, Keeler-Wolf, and Evens, *A Manual of California Vegetation*, 2nd edition, 2008). All native California

grassland is to greater or lesser extent invaded by weeds and exotic annual grasses. Membership in the Purple needle grass grassland alliance is usually determined by at least 10% cover of purple needlegrass (*Nassella pulchra).* However, other criteria that are used to assess the relative health of this plant community include the presence of other native grass species and forbs. Attachment D is a list of the native grass species found in the project area (there are additional native grass species found throughout Knowland Park). This list indicates high species richness. Since there are also native forb species found in association with the grass species, the project site boasts an excellent example of this high priority community.

However, the Biological Resources section and the Habitat Enhancement Plan of the Draft SMND/A do not include any evidence that grasslands were actually mapped and classified *according to accepted protocols.* These data-based protocols establish plant community descriptions and classifications from on-the-ground measurements. While the document acknowledges that Valley Needlegrass Grassland occurs on the project site, the resource itself is inadequately described. Consequently, the public and decision-makers cannot determine what quality of grassland will be destroyed. **Appropriate mitigation measures call for replacement of lands of equal or higher quality. Without knowledge of what was destroyed, adequate mitigation cannot be determined.**

Furthermore, the document calls for mitigation ratios. The basis for mitigation ratios rests on the principle that when protected resources are destroyed, the mitigation results in a *net gain in acreage.* However, as stewards of Knowland Park, the zoo has been responsible for maintaining the grasslands in the park. The fact that they have degraded through weed invasion has been the zoo's responsibility. Restoring the degraded grasslands is a good goal, but it does not mean that it meets the test of a mitigation since **there will be a net loss of native grassland when the expansion is built on top of them.**

There will also be cumulative impacts as a direct result of placing structures further up on the mesa of Knowland Park. The Oakland Fire Department contracts annually for goat grazing in large sections of Knowland Park (see Attachment E). They do so with funds generated by an assessment of property owners in the Wildfire Assessment District which was established in 2002 by city voters. Funds from this assessment were also to be used to create an Environmental Impact Report and associated Vegetation Managment Plan that would guide careful decisions in how to manage city owned-property requiring fuels management. However, in the 9 years since the creation of the W.A.D., no such document has been produced, and the goat grazing, which is a non-selective form of vegetation management, has caused additional degradation to the grasslands. The proposed zoo expansion will require a larger perimeter of fuels management in order to protect the buildings and human and animal life. The dirt fire road will also be widened, taking even more of the grasslands and spreading weed seed on vehicle tires and underbodies. This in turn will destroy even more of the grasslands.

Habitat Enhancement Plan

The HEP is basically a plan to make a plan to control weeds in Knowland Park. CEQA does not allow deferred mitigation. Since the approval of the first plan for expansion when the subject of controlling weeds was identified in the MND, the zoo has had 12 years in which to demonstrate its commitment to controlling weeds both on its existing site and in Knowland Park in general. Its track record is poor and must be regarded as indicative of the fact that there were no specific objectives that had been required to demonstrate actual progress toward the goal of weed reduction. In fact, weeds have exploded across Knowland Park in the years since that approval.

At a minimum, the HEP must include:

1. Monitoring and measuring plan. The MMP lays out a detailed description of the resource, what factors are to be measured, etc. (see *Measuring and Monitoring Plant Populations*, Elzina, Salzer, and Willoughby, Bureau of Land Management).
2. Performance standards. These are specific criteria that explain how success in implementing a plan is to be achieved and measured. They also lay the groundwork for adaptive management so that baseline data routinely collected under strict control of variables can inform wise decisions about what is working and what is not working.
3. An endowment in perpetuity to cover the costs of the mitigation.

Some of the more important steps that would be included in the HEP would be a clear description of Best Management Practices for weed control and prevention of spread, not just weed removal. These would include weed sanitation equipment and measures. The zoo should purchase and install power washing equipment for all vehicles and tools and incorporate weed control in handling manure disposal, landscaping, etc.

Bristly Leptosiphon *(Leptosiphon acicularis)*

The locally rare native wildflower and CEQA-protected plant, *Leptosiphon acicularis*, that was discovered in the area slated for the wolf enclosure is at risk for significant adverse impacts that cannot be fully mitigated by the recommended measures. These measures include fencing it off during construction, removing the fence once the wolves occupy the enclosure, and then monitoring it to see whether there is damage. These are completely inadequate mitigations for an annual flower that is part of a native grassland community. Here is where we believe that the "reasonable assumption" or common sense that CEQA guidelines refer to clearly applies.

The substantial evidence resides in a number of reasonable assumptions or common sense. The fust assumption is that wolves as denning animals are likely to dig and scratch at the earth. The size of the enclosure that the wolves will occupy 24 hours a day

ensures that they will pass over this area frequently over the course of their lives, and the trampling that would take place likely would extirpate them. The most available form of evidence for what happens to vegetation in animal enclosures is to visit any zoo, including the Oakland Zoo, and look at the soil in the animal exhibits. We have yet to see one that supports native plant communities. The weed-choked bison exhibit is an example of what's more likely to happen.

The second assumption is that the nature of this plant species itself is incompatible with artificial habitat. Annuals are plants that are wholly dependent on setting seed to ensure that another generation will succeed. In the botanical world they are known to be particularly vulnerable since if one generation is wiped out, there is no guarantee that there will be seed left in the soil to produce the next generation. Unlike perennial plants, each individual plant lives just one season. Very little is known about this plant species and its requirements, although its rarity suggests that it needs to be part of intact native grasslands (themselves rare)—not an artificial habitat of a wolf enclosure. The notion that seed could be collected and planted somewhere else is simply a notion since there is no horticultural data to support that (nor did any appear in the document). Translocation of species, especially annuals, is frequently doomed to total failure.

So, applying the CEQA test for whether there are sufficient mitigations to the potential significant impacts to this CEQA-protected plant species that would allow for an MND would fail.

The botanist who performed the surveys for the zoo is Dianne Lake—she discovered this population of the leptosiphon. She is the acknowledged expert on locally rare plants in Alameda and Contra Costa counties and has maintained a database for several decades. We include here her list of locally rare plants for Knowland Park (attachments A and B). We also include some selected pages from her book, *Rare, Unusual, and Significant Plants of Alameda and Contra Costa Counties*, 8th edition (2010). These pages explain the importance of locally rare plants, their protection under CEQA, and the methodology that she uses (Atttachment F). Please note in particular on page In-8 her statement regarding habitats: "Many plants qualify for this report at least partially because they occur only in habitats that are limited and/or threatened in Alameda and Contra Costa Counties: ...perennial grasslands..." These refer to native grasslands such as those described above.

Oak Woodlands

The proposed project calls for the removal of dozens of mature coast live oaks. A city destroying its namesake is yet another case of sad irony. The loss of dozens of mature coast live oak to make room for the project cannot be adequately mitigated by the planting of new saplings. First, mature oaks create a rich assemblage of hundreds of organisms dependent upon them. These assemblages take many years to establish. Second, the CEQA document does not say where these oaks will be planted. If they are

knowiandplanted in grassland areas, they will actuaily cause harm to the grasslands themselves. Oak saplings need to be watered until they are established. Irrigation will be needed which can be damaging to native communities evolved for only seasonal rains. Furthermore, in order to prevent herbivory by deer, the saplings will need to be enclosed in wire mesh, which is unsightly in a natural area

The location of the camp among the oak woodlands is entirely inappropriate. The presence of up to 100 people will trample roots and will require the removal of the oak understory. The addition of this camp is a new project not currently covered by the old master plan. We believe that a better alternative to serve the community of campers is to utilize the excellent camping facilities and program of the East Bay Regional Park District. Group campsites are available in Anthony Chabot Regional Park near Knowiand Park.

Conclusion

EBCNPS believes that the pubhc and the decision-makers have been put into several untenable binds. Not enough time to read an enormous complex document (more than the size of most full EIRs) yet with the less stringent standards of analysis and review as required by CEQA. The choice between the old plan and the amended plan is a false one, and beimg required to choose between the lesser of two evils with inadequate information is no real choice at all.

We strongly recommend to the Planning Commission the following:

1. **that it request further time and information in order to make its determination. The Planning Commission is being asked to make its decision before the written and more detailed comments from the public can be read and understood. We suggest that this is simply a bad way to go about making such a critical decision and that there are far better choices permissible and desirable;**
2. **that it reject the Draft SMND/A as inadequate and call for a full Environmental Impact Report on the proposed expansioa.**

Please feel free to call me if you have any further questions (510-849-1409).

Sincerely,

Laura Baker

Laura Baker
Conservation Committee Chair
East Bay Chapter of the California Native Plant Society

Attachment A
from Dianne Lake

Rare and Unusual Plants of Knowland Park (Current and Historical)

As Of January 2011

(Statewide Rare Plants Are In Upper Case)

East Bay Rarity Rank	Species	Common Name	Habitat
A2	Brodiaea terrestris ssp. terrestris	dwarf brodiaea	Grassland; Woodland; Misc. Wetlands
*A2	CALOCHORTUS UMBELLATUS	Oakland star-tulip	Chaparral; Scrub; Woodland
A1	Carex dudleyi	Dudley's sedge	Misc. Wetlands
A2	Carex multicostata	many-ribbed sedge	Misc. habitats
A2	Castilleja subinclusa ssp. franciscana	Franciscan Indian paintbrush	Chaparral; Scrub
A2	Corallorhiza maculata var. maculata (forma immaculata is more common in East Bay)	spotted coralroot	Forest; Woodland
A2	Cryptantha torreyana	Torrey's cryptantha	Dry Open Slopes; Forest
A2	Deinandra corymbosa ssp. corymbosa (formerly Hemizonia corymbosa)	coast tarweed	Coastal Bluff; Grassland
A2	Juncus phaeocephalus var. unknown	brown-headed rush	Misc. Wetlands
*A1	LEPTOSIPHON ACICULARIS (formerly LINANTHUS A.)	bristly linanthus	Chaparral; Grassland; Woodland
*A2	MONARDELLA VILLOSA SSP. GLOBOSA (ssp. villosa is more common)	robust monardella	Chaparral; Woodland
A2	Sanicula laciniata	coast sanicle	Chaparral; Scrub; Woodland
*A2	STREPTANTHUS ALBIDUS SSP. PERAMOENUS	most beautiful jewel-flower	Chaparral; Dry Open Slopes; Grassland; Serpentine

Explanation of Ranks

*A1 or *A2: Species in Alameda and Contra Costa counties listed as rare, threatened or endangered statewide by federal or state agencies or by the state level of CNPS.

Atx: Species previously known from Alameda or Contra Costa Counties, but now presumed extirpated here.

A1: Species currently known from 2 or less regions in Alameda and Contra Costa Counties.

A2: Species currently known from 3 to 5 regions in the two counties, or, if more, meeting other important criteria such as small populations, stressed or declining populations, small geographical range, limited or threatened habitat, etc.

A1?: Species with taxonomic or distribution problems that make it unclear if they actually occur here.

B: High-Priority Watch List: Plants occurring in 6 to 9 regions here or otherwise limited or threatened.

C: Second-Priority Watch List: Plants occurring in 10 to 15 regions here, but have potential threats.

Attachment B
from Dianne Lake

B-Ranked Unusual Plants of Knowland Park (Current and Historical)

As Of January 2011

East Bay Rarity Rank

Species	Common Name	Habitat
Antirrhinum vexillocalyculatum ssp. vexillocalyculatum	wiry snapdragon	Rock, Tallus or Scree; Sand or Sandstone areas; Serpentine
Calamagrostis rubescens	pine grass	Woodlands
Festuca rubra	red fescue	Coastal Bluff; Grassland; Sand or Sandstone
Garrya elliptica	silk tassel bush	Coastal Bluff; Chaparral; Sand or Sandstone; Woodland
Helianthemum scoparium	peak rush-rose	Chaparral; Dry Open Slopes; Rock, Tallus or Scree; Sand or Sandstone
Hordeum jubatum	foxtail barley	Misc. habitats
Mentha arvensis	marsh mint	Riparian areas; Misc. Wetlands
Ribes divaricatum var. pubiflorum	straggly gooseberry	Coastal Bluff; Riparian; Scrub
Rumex salicifoiius var. unknown	willow dock	Riparian areas; Misc. Wetlands
Sequoia sempervirens	coast redwood	Redwood Forest
Sidalcea malviflora ssp. malviflora (ssp. laciniata is more common)	checkerbloom	Grassland
Silene laciniata ssp. califomica (formerly Silene c.)	Califomia Indian pink	Chaparral; Forest; Woodland
Vaccinium ovatum	California huckleberry	Forest; Redwood Forest
Vulpia octoflora var. unknown	slender fescue	Chaparral; Dry Open Slopes; Dry Washes; Sand or Sandstone

Explanation of Ranks

*A1 or *A2: Species in Alameda and Contra Costa counties listed as rare, threatened or endangered statewide by federal or state agencies or by the state level of CNPS.

A1x: Species previously known from Alameda or Contra Costa Counties, but now presumed extirpated here.

A1: Species currently known from 2 or less regions in Alameda and Contra Costa Counties.

A2: Species currently known from 3 to 5 regions in the two counties, or, if more, meeting other important criteria such as small populations, stressed or declining populations, small geographical range, limited or threatened habitat, etc.

A1?: Species with taxonomic or distribution problems that make it unclear if they actually occur here.

B: High-Priority Watch List: Plants occurring in 6 to 9 regions here or otherwise limited or threatened.

C: Second-Priority Watch List: Plants occurring in 10 to 15 regions here, but have potential threats.

Attachment B
from Dianne Lake

C-Ranked Unusual Plants of Knowland Park (Current and Historical)

As Of January 2011

East Bay Rarity Rank	Species	Common Name	Habital
C	Acaena pinnatifida var. californica	California acaena	Coastal Bluff; Rock, Scree or Tallus; Scrub; Sand or Sandstone
C	Arctostaphylos tomentosa ssp. crustacea	brittleleaf manzanita	Chaparral; Sand or Sandstone
C	Calochortus luteus	yellow mariposa lily	Forest; Grassland; Woodland
C	Camissonia ovata	sun cup	Coastal Bluff; Grassland
C	Clematis ligusticifolia	virgin's bower	Riparian
C	Danthonia californica var. californica	California oatgrass	Grassland
C	Hemizonia congesta ssp. lutescens (formerly included in ssp. congesta in Jepson Manual)	hayfield tarweed	Grassland; Serpentine
C	Lilaea scilloides	flowering quillwort	Misc. Wetlands
C	Navarretia mellita	honey-scented navarretia	Chaparral; Gravel; Sand or Sandstone
C	Prosartes hookeri (formerly Disporum h.)	fairy bells	Woodland
C	Rhamnus crocea	spiny redberry	Chaparral; Scrub; Woodland
C	Scutellaria tuberosa	Dannie's skullcap	Burns; Chaparral; Woodland
C	Tauschia hartwegii	Hartweg's tauschia	Chaparral; Woodland
C	Viola pedunculata	Johnny-jump-up	Chaparral; Grassland; Woodland
C	Vulpia microstachys var. ciliata (var. pauciflora is more common)	Eastwood's fescue	Forest; Sand or Sandstone
C	Wyethia glabra (W. helenioides is more common)	mule ears	Scrub; Woodland
C	Yabea microcarpa	California hedge parsley	Misc. habitats

Explanation of Ranks

*A1 or *A2: Species in Alameda and Contra Costa counties listed as rare, threatened or endangered statewide by federal or state agencies or by the state level of CNPS.

A1x: Species previously known from Alameda or Contra Costa Counties, but now presumed extirpated here.

A1: Species currently known from 2 or less regions in Alameda and Contra Costa Counties.

A2: Species currently known from 3 to 5 regions in the two counties, or, if more, meeting other important criteria such as small populations, stressed or declining populations, small geographical range, limited or threatened habitat, etc.

A1?: Species with taxonomic or distribution problems that make it unclear if they actually occur here.

B: High-Priority Watch List: Plants occurring in 6 to 9 regions here or otherwise limited or threatened.

C: Second-Priority Watch List: Plants occurring in 10 to 15 regions here, but have potential threats.

Attachment C
from Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties, 4th Edition Diann Lake 201

INTRODUCTION

The botanical wealth of the East Bay is rarely realized or appreciated. More plant communities come together in Alameda and Contra Costa counties than almost anywhere else in the state. Great Valley vegetation meets Coastal, and moist northern communities meet dry southern ones. Islands of Sierran and desert vegetation occur here as well as serpentine outcrops, vernal pools, dune fields, and alkaline communities. Salt marshes fringe San Francisco Bay, freshwater marshes border the Delta, and brackish marshes lie in between. Fifty-five plant species reach their northern range limit here and 19 reach their southern limit.

Of the estimated 1500 plant taxa occurring in the two counties, 135 are currently listed as rare or endangered statewide by the U.S. Fish and Wildlife Service, the California Department of Fish and Game, or the state level of the California Native Plant Society (CNPS), and are thus protected by the California Environmental Quality Act (CEQA).

But many more plant species also lead a precarious existence here. In the course of its field studies, the East Bay Chapter of the California Native Plant Society has found 608 additional species that would meet the standards for rare and endangered status if only their populations in these two counties were considered. Many of these plants occur in very limited or threatened habitats and their numbers are in decline. Of these 608 species, 313 have only one or two currently known locations in Alameda and Contra Costa Counties (ranked as A1 in the East Bay); 231 occur in less than five places in the two counties or are otherwise endangered (A2), and 64 are only known from the area historically and are presumed to have been extirpated here in the last 100 years (A1x).

These 608 locally rare, or unusual, plant species (ranked A1, A2 or A1x in this report) are protected by CEQA in sections 15380 and 15125(a) which address species of local concern and place special emphasis on environmental resources that are rare or unique to a region. Thus they must be considered in local land planning and management issues along with the 135 statewide rare plants referred to above. Unfortunately, they are often overlooked or ignored.

An additional 191 plants are on a High-Priority Watch List and are ranked B, generally occurring in only six to nine regions of the two counties. While they are not currently rare or threatened locally and are not protected by CEQA, they should be closely watched since they could become rare, threatened or endangered if their habitats continue to disappear or decline or other detrimental environmental conditions continue.

A Second-Priority Watch List of 137 C-ranked plants is provided in Appendix C but they are not included in the body of the report. Although still relatively common and widespread in the two-county area (occurring in 10 to 15 regions), they should be monitored since they could also become less common if certain conditions persist.

Because the flora of this area is unique, we must recognize the importance of protecting and preserving these native plant populations and remember that the loss of any species alters and damages the surrounding ecosystem. At the same time, we must seek a better understanding of these plants and how they depend upon and contribute to the environment. This report of *Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties* is presented in the hope that it will serve as a valuable tool in achieving these goals.

METHODOLOGY

In compiling this list, many Bay Area botanists were contacted for their views, and plant lists were reviewed for many East Bay locations. Extensive field studies as well as literature and herbaria searc were conducted. An initial list of 865 candidate species was compiled in 1991 and reviewed by 35 botanists familiar with East Bay flora. Their comments, additions, and changes were reviewed and incorporated. Further field research, interviews, and literature and herbaria searches were then conducted. The resulting list consisted of 611 species, and the report was first issued on March 1, 199

Research has continued over the years and the current list consists of 958 species, including 135 statewide rare plants, 632 A-ranked locally rare plants, and 191 B-ranked plants. In addition, a Watch li: of 137 C-ranked species is included as Appendix C.

A ranking system was devised based on the number of current locations in Alameda and Contra Costa counties, with A1 indicating plants with only two or less locations here; A2 indicating three to five locations here; and B indicating plants with six to nine locations here. A Watch list with a rank of C was also devised for plants not currently rare, threatened or endangered in the two counties, but with potential to become so if certain trends and practices continue, such as over-development, water diversion, excessive grazing practices, weed and insect invasion, etc.

Other criteria besides number of occurrences were also looked at and a few plants that had more than five locations here but met other criteria were included in the A2 rank, and some plants with more than nine locations here were included in the B rank. Conversely some plants that occur in only three to five places but had large or multiple populations there were moved to a B rank, and some found in only six to nine areas but with large or multiple populations were moved to the C rank. The criteria that qualify these plants for the higher or lower ranks are indicated in the "Comments" column in the body of the report.

Research has continued over the years with more field surveys, herbarium and literature searches, and interviews with area botanists. Herbarium vouchers have been checked at several Bay Area herbaria for all A-ranked (*A1, *A1x, A1, A1x, A1?, *A2, and A2) species and most B-ranked species.

Many people have provided new information and comments, and reader response to both the project and the report itself has been excellent. As a result, new locations have been found for some plant species, while others have been found to be more unusual or threatened than originally thought.

AIM OF REPORT

It is hoped that this report of *Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties* will prove helpful to botanists, planners, land managers, consultants, students and others working with the vegetation of Alameda and Contra Costa counties, and that it will serve to clarify and identify the valuable resources found in this area.

This report also aims to help the reader become aware of the sensitivity and significance of the plants listed in this report, so that when they are encountered in the field they will be treated accordingly.

The high number of plant species appearing in this report and the range of threats facing them in the two counties indicates some of the problems posed by modern society for the natural resources of this area. It is important to recognize the value of these plant populations and how they affect their surrounding environment - their importance to not only the plants that occur there, but also to the wildlife and humans who depend on that environment. A complex inter-dependence exists between man and nature, and the loss or lessening of any of these rare or unusual plant species affects the health of the human, wildlife, and plant environments in which they occur.

The importance of the survival of these plant species must be recognized, and a way must be found for people to co-exist with the natural resources of the area without one severely endangering the other. Steps must be taken to protect these plant populations, and studies must be conducted to better understand the needs of these plants, and what must be done to assure their continued health and proliferation.

To achieve this delicate balance between man and environment, it is essential to learn more about the complex requirements of the various plants in that environment. It is hoped that this report will inspire and help provide areas of study and research for students and researchers, as well as provide important plant distribution information for planners, developers, and land managers.

The list should by no means be considered as a final product and will continue to change as more data become available. The continued accuracy and usefulness of this report depends on the input and cooperation of as many people and sources as possible. All comments, additional information, and suggestions are welcome. The East Bay Chapter of the California Native Plant Society is dedicated to keeping this list as up-to-date and accurate as possible, and information should be addressed to Dianne Lake, 1050 Bayview Farm Rd., #121, Pinole, CA 94564 (Phone: 510-741-8066; Email: diannelake@yahoo.com).

I would like to thank all those who have already commented on and provided information for the report.

PLANTS INCLUDED

"Rare, Unusual and Significant Plants" refers to plant species that are rare, threatened, or endangered Alameda and Contra Costa Counties, as well as those that meet that criteria statewide. (See discussion of "Rare Plants" and "Unusual Plants" below.)

Only terrestrial, vascular plants are included. An arbitrary decision was made to not include aquatic or non-vascular plants in the interest of keeping the size of the report manageable.

This should in no way be interpreted as an indication that aquatic and non-vascular plants are less important. If anything, it should indicate the need for further study of these plants, and of the importance of compiling similar data for them. Aquatic and non-vascular plants have a very important place in the environment and it is imperative that we increase our knowledge of them - their requirements for survival, their interaction with the local and global environment, and their distribution in our area as well as worldwide. This situation has been realized over the last several years and many efforts are now underway to compile and distribute this important data and to make the general public aware of their importance and need for protection.

Rare Plants

Statewide listed rare plants are indicated by an asterisk preceding their rank, and appear in upper case type.

"Statewide listed rare plants" refers to those species listed as rare, threatened or endangered, or as candidates for such listing, by the U.S. Fish and Wildlife Service, California Dept. of Fish and Game, or the state level of the California Native Plant Society. As of January, 2010, 135 statewide rare plant species are listed as occurring in Alameda and Contra Costa counties either currently or historically.

More detailed information can be found in the sixth edition of the CNPS *Inventory of Rare and Endangered Plants of California,* or the on-line seventh edition at CNPS.org/inventory.

Complete information on rare plants can be obtained from the California Natural Diversity Data Base of the California Dept. of Fish and Game, Sacramento.

Unusual Plants

Unusual plants are indicated by A1, A1x, A1?, A2, or B in the Rank column, with no asterisk preceding the rank.

"Unusual plants" refers to plants that are rare, threatened or endangered in Alameda and Contra Costa counties but not necessarily in the rest of the state, or plants that are on a High-Priority Watch List (B List). This status has been determined through extensive research carried out by the East Bay Chapter of the California Native Plant Society. These ranks and the criteria used to determine them are discussed under "Ranks" below.

NOMENCLATURE

Most species names used in this report are in agreement with those in *the Jepson Manual: Higher Plants of California* by James Hickman (1993) or the *Online Interchange For California Floristics* (ucjeps.berkeley.edu/interchange) which contains updated taxonomy and treatments being compiled for the second edition of the Jepson Manual.

In a few cases, however, the plant names differ, as follows:

Three species of clovers that are included within *Trifolium barbigerum* var. *andrewsii* or *T. fucatum* in the Jepson Manual are listed in this report as separate species: *T. flavulum*, *T. gambelii*, and *T. lilacinum*.

In addition, recent studies have determined that plants in the East Bay previously identified as *Angelica tomentosa* are actually *A. californica*.

RANKS

Ranks are based on the number of botanical regions a species currently occurs in, rather than the number of specific sites. This gives a much more accurate indication of the geographical distribution of a plant species. There may be several specific sites for a species, but if they are all within a few miles of each other, the species is actually much rarer and more endangered than one with the same number of specific sites but spread over a wider range. (See discussion of "Regions" in "Locations" sections on page In-7)

The ranks are as follows:

*A (114 spp.): Species in Alameda and Contra Costa counties listed as rare, threatened or endangered statewide by federal or state agencies or by the state CNPS. Protected by CEQA
(Includes 59 *A1, 18 *A1x, and 37 *A2 species)

A1 (370 spp.): Species known from 2 or less botanical regions in Alameda and Contra Costa Counties, either currently or historically. Protected by CEQA
(Includes 59 *A1 and 311 A1 species)

A1x (89 spp.): Species previously known from Alameda or Contra Costa Counties, but now believed to have been extirpated, and no longer occurring here. Protected by CEQA
(Includes 18 *A1x and 71 A1x species)

A1? (24 spp.): Species possibly occurring in Alameda or Contra Costa counties but there are questions about their identification or location

A2 (243 spp.): Species currently known from 3 to 5 regions in the two counties, or, if more, meeting other important criteria such as small populations, stressed or declining populations, small geographical range, limited or threatened habitat, etc. Protected by CEQA
(Includes 37 *A2 and 206 A2 species)

B (164 spp.): A High-Priority Watch List: Species currently known from 6 to 9 regions in the two counties, or, if more, meeting other important criteria as described above for A2. (Not protected by CEQA)

C (137 spp.): A Second-Priority Watch List: Species currently known from 10 to 15 regions in the two counties, but potentially threatened if certain conditions persist such as over-development, water diversions, excessive grazing, weed or insect invasions etc. (Listed only in Appendix C and not included in main body of report).

Several criteria have been used to determine which plants qualify for the Rare, Unusual and Significant Plants list. Statewide listing and two or fewer occurrences in Alameda and Contra Costa counties were the first criteria used. But it was discovered that many plants not failing into these two categories were still threatened or endangered here. Several other criteria were therefore looked at as follows:

Disjunct Populations
Declining Populations
Fire-following Plants
Limited or Threatened Habitats
Narrow Range in Alameda and Contra Costa Counties
Range Limits
Small Populations
Small Geographical Range
Stress from weed invasions, disease, insects, drought, etc.

The rank of a species is based only on current populations (1975 or later). Historical, planted, and unconfirmed sites (indicated by parentheses) are not considered since it is not known if the species is currently there, or the population does not occur there naturally.

In a few instances a plant species has more occurrences than its rank indicates, but poor field conditions such as very small or declining populations, small geographical range, limited or threatened habitats, etc. give it the higher rank. In a few other instances a species occurs in fewer places than its rank indicates but large or multiple populations qualify it for a lower rank. The reason for the different rank is explained in the "Comments" column in the report.

LOCATIONS

The current location system, developed for the fifth edition in 1999, consists of 40 botanical regions, and specific sites within those regions. The locations are listed alphabetically by region, with specific sites following. Ranks are determined by the number of regions a species is currently known to occur in, rather than the number of specific sites.

Historical, introduced, and unconfirmed populations are also included in parentheses, but have not been considered in the determination of ranks since it is not known whether or not the populations still exist, or the populations do not occur at the site naturally.

A list of the 40 regions and the specific sites in each can be found starting on page L-1. An alphabetical list of the specific sites occurs at the end of the report.

A map of the regions appears on p. M-1, and a map of many of the specific sites and the regions in which they occur appears on page M-2.

Regions

The regional location system was developed to provide a more accurate picture of the actual distribution of species in the two counties than had been available in the early editions of the report.

Because some areas have been more broadly explored botanicaliy than others, the listing of only specific locations in early editions of this report did not always give an accurate indication of a species' real distribution. For example, the Berkeley Hills have been studied extensively over the years because of their proximity to the University of California at Berkeley, while more outlying areas such as Brentwood and Byron, for example, have not been visited as often. Thus, when ranks were based only on specific sites, as in the early editions of this report, plant species in well-explored areas appeared to be more common than they actually were.

To demonstrate, *Asarum caudatum* would be ranked at the C level using the specific locations system because it currently occurs at 13 specific sites. However, all of these sites are within a few miles of each other and are in similar habitats. Thus, this species is not as common or widespread in the two counties as a C rank would indicate. It actually only occurs in a very small geographical area of the two counties and only in a particular kind of habitat. Using the region system, these 13 specific sites are contained in only four regions, thus giving this plant an A2 rank which is much more indicative of its actual field condition and distribution in the East Bay.

The regions system is based on the eight major regions or sub-divisions of the East Bay determined by Dr. Barbara Ertter in her *Annotated Checklist of the East Bay Flora* (1997). These eight regions were examined, comparing botanical, geological, and geographical characters such as vegetation types, plant communities, habitats, individual plant species occurrences, soil types, bedrock strata, and topography. These studies and comparisons resulted in the development of the 40 botanical regions.

Specific Sites

The number of specific sites has increased over the years as more areas have been explored. Some codes have been divided or expanded, thus giving a more accurate picture of distribution and the actual field conditions of each species.

The list of 40 botanical regions and the specific sites within those regions can be found starting on page L-1. An alphabetical list of specific sites is provided at the end of the report in the Locations Index.

Historical Sites

Populations have been divided into current and historical occurrences with 1975 as the dividing line. This also gives a more accurate picture of the current field conditions of a species and allows for comparisons to past conditions, and the determination of which species may be declining.

Historical populations are included in parentheses with the date of the last known sighting, and are not considered when determining rank because ranks are based only on current populations.

Many plants have not been seen since 1975 or before and are presumed to have been extirpated. These species now have a rank of Aix. A list of these species is provided in Appendix A along with their habitats and where they occurred. The rediscovery of any of these species would be very significant, and the reader is requested to contact the author at (510) 741-8066 or dianneiake@yahoo.com if they find any of these extirpated species.

The dividing year between current and historical was 1950 for previous editions, but has now been moved up to 1975. While 1950 was an appropriate division in 1992 when the report first came out, of those records are now over 60 years old and can hardly be considered "current". Thus 1975 is no more accurate indication of currency.

Unconfirmed Identifications and Sites

"ID?": The identification of some populations are questionable and have not been confirmed. These sites are included in parentheses and indicated by "ID?". They are not considered in the determinati ranks because rank is based only on current populations.

Over the years many of these populations have been visited and identified. Thus the number of locati with this designation has declined substantially with each new edition.

"Loc?": The locations for some populations are questionable. These species have been reported in ai area but have not yet been confirmed there. These sites are also included in parentheses and are followed by "Loc?". They are not considered when determining the rank of a plant species.

Many of these sites have also been visited over the years and several have been found, thus reducing number of such designations.

Planted Sites

Some populations have been introduced as landscaping or restorations projects. These populations are included in parentheses. Since these are not natural sites, they have not been considered in the determination of ranks.

HABITATS

Habitats are listed to help clarify and identify where plants may occur and where they should be looked for. With the increased interest and concern in protecting plant communities and areas, habitat information is an essential tool in determining which areas need protection. A list of habitats and their codes is provided on page In-11.

Habitat requirements were determined by studying habitat and community information in *The Jepson Manual: Vascular Plants of California* by James Hickman (ed.) (1993), *A California Flora and Supplement* by Munz and Keck (1973), *A Manual of California Vegetation* by John O. Sawyer and Todd Keeler-Wolf, 1995, *A Preliminary Guide to the Terrestrial Plant Communities of California* by Robert F. Holland (1986), and the sixth edition of the CNPS *Inventory of Rare and Endangered Vascular Plants of California* by David Tibor (2001), as well as discussions with several bay area botanists.

Many plants qualify for this report at least partially because they occur only in habitats that are limited and/or threatened in Alameda and Contra Costa Counties: alkali areas, perennial grassland, redwood forest, rocky or talus areas, sand or sandstone soils (including coastal bluff and coastal strand), serpentine or serpentine-derived soils, and wetlands (including brackish, freshwater, and salt marshes, riparian areas, vernal pools and miscellaneous wetlands).

Subj: Fwd: Comments from the California Native Plant Society on Proposed Amendments to Approved 1998 Master Plan
Date: Thursday, March 3, 2011 2:22:49 PM
From: rwest@monocot.com
To: lbake66@aol.com, janetgawthrop47@gmail.com, mwgraf@aol.com, david@hjuliendesigns.com
cc: rwest@monocot.com

FYI,

This was our last written communication to the city and the zoo about the zoo's plans, from April of last year.

__Roy

Begin forwarded message:

> From: Roy West <rwest@monocot.com>
> Date: April 21, 2010 6:18:38 PM PDT
> To: dranelletti@oaklandnet.com
> Cc: Roy West <rwest@monocot.com>, Lbake66@aol.com
> Subject: Comments from the California Native Plant Society on Proposed Amendments to Approved 1998 Master Plan
>
> Dear Mr. Ranelletti,
>
> The California Native Plant Society has been meeting with the Zoo for many years to discuss the Zoo's plans to expand its exhibits into the upper portion of Knowland Park.
>
> We submitted the following comments to the Zoo in March of this year, with the understanding that these would be shared with the Planning Commission and its staff. I learned this evening that the Zoo decided not to include our letter with the materials they presented to you in the past month.
>
> I am submitting a copy of our letter to you now.
>
> I would welcome the opportunity to discuss our Society's concerns with this project at your convenience.
>
> Sincerely,
>
> __Roy West
> Conservation Committee, California Native Plant Society, East Bay Chapter
>
> cc: Laura Baker, Chair, Conservation Committee, EBCNPS
>
>
> Begin forwarded message:
>
>> From: Roy West <rwest@monocot.com>
>> Date: March 25, 2010 8:36:11 AM PDT
>> To: Nik Haas-Dehejia <Nik@oaklandzoo.org>
>> Cc: Lbake66@aol.com, "Dr. Parrott" <drparrott@oaklandzoo.org>, Roy West <rwest@monocot.com>
>> Subject: Comments from CNPS on Proposed Amendments to Approved 1998 Master Plan

>>
>>
>> March 24, 2010
>>
>> Nik Haas-Dehejia,
>> Director of Strategic Initiatives
>> Oakland Zoo
>> 9777 Golf Links Road
>> Oakland, CA 94605
>>
>>
>> Dear Nik,
>>
>> I and members of the Conservation Committee of our East Bay Chapter of the California Native Plant Society have reviewed the letter requesting comments and the three exhibits pertaining to the Oakland Zoo's "Proposed Amendments to Approved 1998 Master Plan."
>>
>> The South Oakland Hills are one of our chapter's 15 Botanical Priority Protections Areas, identified in our chapter's forthcoming publication, "Guide to the Botanical Priority Protection Areas of Alameda and Contra Costa Counties." Knowland Park is part of that BPPA because of its known native plant diversity and the presence of some relatively intact native plant communities that are rare in the Oakland Hills, due to development and other causes.
>>
>> CNPS' concerns are with the health and protection of those plant communities in the park and the rare, unusual, and even common plants that comprise them. This is not just about special-status taxa; it is about preserving and protecting the precious, intact natural communities in the park.
>>
>> We are reminded that the Zoo's stated mission is "to inspire respect for and stewardship of the natural world, while providing a quality visitor experience." The whole-of Knowland Park is the Zoo's responsibility. In evaluating the Zoo's current and future plans for Knowland Park, we have consistently explained in our many meetings with you and Dr. Parrott that to meet your responsibility, we expect the Zoo to develop a management plan for the native plant communities and their components in the park. Such a plan would include details of:
>>
>> * What communities exist
>> * What are their features and conditions
>> * What are the threats to those communities' health (disease, invasives, human or animal damage, construction, planting of CA native plants from outside the park that could affect the genetics of the local natives, etc.)
>> * What areas are the highest priorities for protection and enhancement, based on value and threat
>> * What specific practices will be used to protect and enhance those areas, or at least the top priority areas
>> * What protocols will be used to monitor the communities and the effectiveness of the practices in years to come
>>
>> We understand that there are long-term impacts to the plant communities in the park and there is no magic bullet that will achieve the goals we all share for a healthy park ecosystem. But CNPS can not support an expansion into new areas of the park without clear, written explanation of how the expansion will affect the goals and priorities of a formal management plan for the park.
>>
>>
>> Sincerely,
>>
>> Roy West
>> Conservation Committee, California Native Plant Society, East Bay Chapter

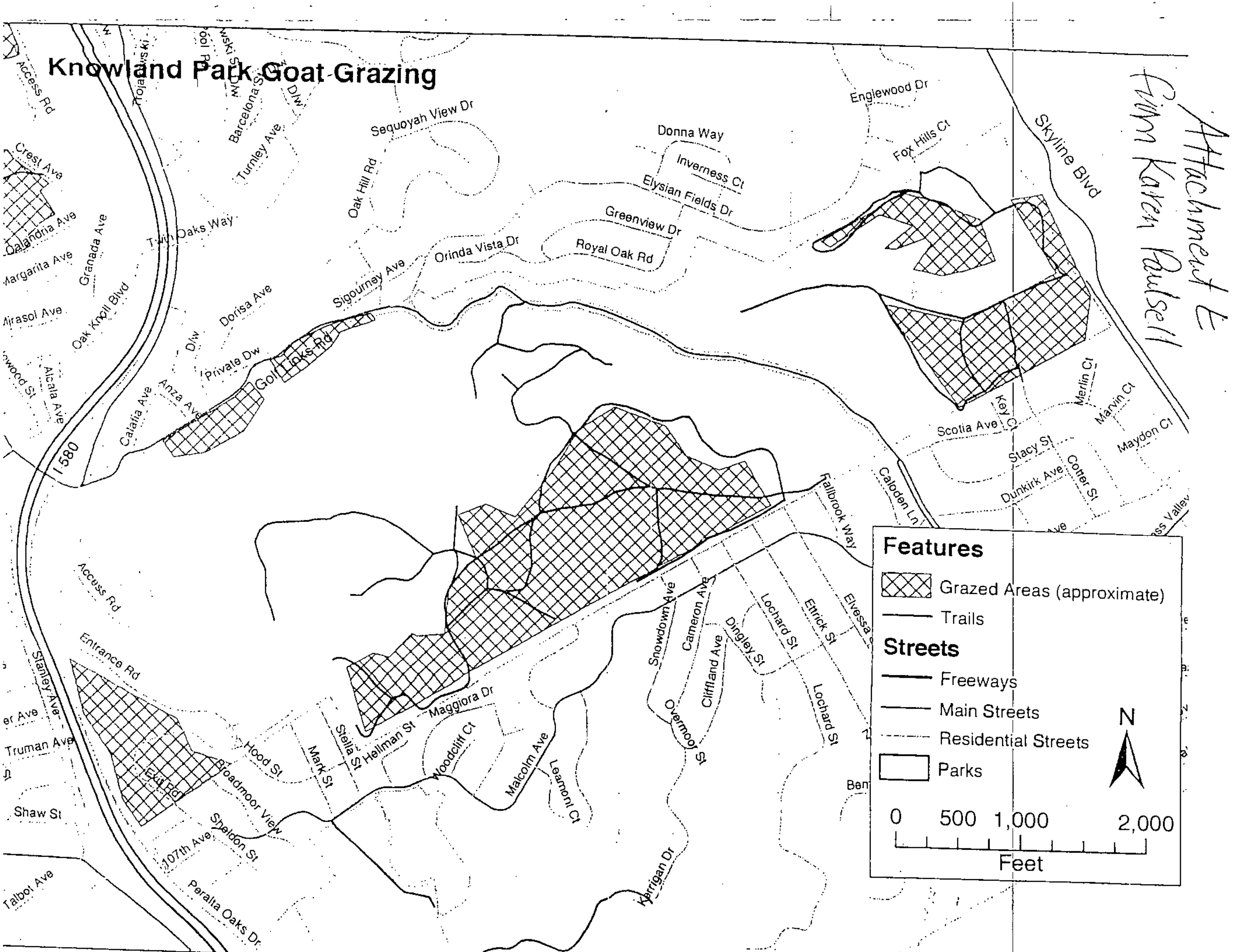
>>
>> cc: Laura Baker, Chair, Conservation Committee, EBCNPS
>> Dr. Joel Parrott, Executive Director, Oakland Zoo
>

Attachment D1
from Dianne Lake

Native Grasses in Oakland Zoo 1820 Project Area

Agrostis pallens	leafy bentgrass
Bromus carinatus var. carinatus	California brome
Bromus laevipes	woodland brome
Danthonia californica var. californica	California oatgrass
Elymus glaucus ssp. glaucus	blue wildrye
Elymus multisetus	big squirreltail
Hordeum brachyantherum	meadow barley
Melica californica	California melic grass
Melica imperfecta	small-flowered melic grass
Melica torreyana	Torrey's melic
Nassella lepida	foothill needlegrass
Nassella pulchra	purple needlegrass
Vulpia microstachys var. ciliata	Eastwood's vulpia
Vulpia microstachys var. pauciflora	Pacific vulpia

Knowland Park Goat Grazing



Introduction

The lands that comprise the East Bay Chapter are located at the convergence of the San Francisco Bay, the North and South Coast Ranges, the Sacramento-San Joaquin Delta, and the San Joaquin Valley. The East Bay Chapter area supports a unique congregation of ecological conditions and native plants. Based on historic botanical collections, the pressures from growth-based Bay Area economies have buried many of the botanical treasures of the East Bay. The collision of floristic protection and economic growth conceived the Botanical Priority Protection Areas Project (BPPA), and fortified intra-chapter collaboration between the Plant Science and Conservation arms of the East Bay Chapter of the California Native Plant Society (CNPS).

In January of 2006, the Bay Area Open Space Council (BAOSC) requested that our chapter provide them a list of important botanical areas. Our botanical priorities were to be incorporated into BAOSC's Upland Habitat Goals Project which aims to increase the acreage of protected lands and develop an increased awareness of key habitats among land management agencies and local jurisdictions. We had only one day to accomplish the difficult task of choosing between many botanically rich areas of Alameda and Contra Costa counties. At the end of the day, after a flurry of emails, fifteen areas endowed with native plant diversity that are threatened by current and potential land-use decisions were hastily identified.

This inquiry and resulting cachn of botanical areas bsggad another question: how can we look at these areas through a more objective lens utilizing existing information? To answer this initial question, the project began as a simple Geographic Information System (GIS) exercise. Heath Bartosh, the chapter's Rare Plant Committee Chairmnn, began by mapping primarily watershed-based boundaries of each protection area.

Overall, the 15 BPPAs comprise 238,225 acres (372 square miles) in Alameda (96,932 acres) and Contra Costa (141,293 acres) counties. The BPPAs occupying the western portion of the chapter are smaller in acreage due the urbanization that has already occurrad along the bayside flatlands leaving diminutive botanical refugia still in need of protection. In the east, vast expanses of undeveloped land containing a broadar diversity of habitats and native plant species are still intact as characterized by the larger BPPAs found flanking tha Diablo Range.

BPPA boundaries were drawn with the intention of excluding lands previously preservad, such as Mount Diablo State Park or lands owned and managed by the East Bay Regional Park District. However, certain BPPAs include public parcels or properties with other conservation status. These are cases where land has been conserved since the creation of these boundaries or where potential management decisions have the potential to negatively affsct an area's botanical resources. Additionally, each acre within these BPPAs represents a potential area of high priority. Both urban and natural settings are included within these boundaries, therefore, they are intended to be considered as areas warranting further scrutiny due to the abundance of nearby sensitive botanical resources supported by high quality habitat within each BPPA. Although a parcel, available for preservation through fee title purchase or conservation easement, may be located within the boundaries of a BPPA, this does not by default indicate that it contains sensitive botanical resources. Parcels within each BPPA should be floristically evaluated on a case-by-case basis to determine their botanical resource value before any conservation activity, land-use change, or development is undertaken.

From within these boundaries an analysis was executed of readily and freely available spatial datasets such as botanical resource occurrences, substratss (soils and geology), wetlands, urbanized areas, axisting protected areas, and possibla threats. From these analyses each of the 15 maps includas a summary table that provides information such as the size of the araa, watershed information, relevant substrata information, and botanical reeource attributes.

The graohic portion of each map showcases protection areas on a 2009 aerial photograph provided by the National Agriculture Inventory Program. Certain BPPAs include areas of edaphic substrates which strongly influence plant species composition and structure. The East Bay is bestowed with significant substrates such as alkaline soils, sandy soils, and serpentinitic habitats. Within a specific BPPA, edaphic substrates were spatially analyzed using Farmland Mapping and Monitoring Program (FMMP) data. The most uselul component of the FMMP data locates areas of urbanization and irrigated aghcultura. These aspects of the human environment including development and alteration of vegetative cover, soil structure and hydrology have eroded the natural habitat that native plants need to persist. Spatially analyzing edaphic substrate data against select FMMP data shows the amount of these substrates that have been lost due to post-industrial. For example, 17,280 acres of the alkaline soils have been mapped within all East Bay BPPAs. Of those acres, 21 percsnt containing alkaline soils within our chapter area are restricted to Contra Costa County, at one time they representsd 24,726 acres. To date, at least 33 parcsnt of sandy soils no longer support healthy native communities of plants. Serpentine substrates manifest themselves in three of the 15 BPPAs: Cedar Mountain, Marsh Creek, and North of Mount Diablo. However, none of these habitats has been as significantly impacted as the large serpentine bodies of the Berkeley and Oakland Hills have been from residential development.

EAST BAY CNPS

Following this initial mapping effort, the East Bay Chapter's Conservation Committee began to utilize the concept in draft form in key local planning efforts. Lech Naumovich, the chapter's Conservation Analyst staff person, showcased the map set in forums such as the BAOSC's Upland Habitat Goals Project and the Green Vision Group (in association with Greenbelt Alliance); East Bay Regional Park District's Master Plan Process; and local municipalities. In the near future we anticipate these BPPAs will be incorporated into the Eastern Alameda County Conservation Strategy, a regional planning effort currently being developed.

As a result of this collaboration our chapter also secured gram funding from the Tides and Rose Foundations to prepare this guidebook of these BPPAs. This guidebook includes maps of the 15 BPPAs, which appear opposite pictorial and narrative treatments. These traatments include a written contribution from a guest author, lists and photographs of sensitive botanical resources, a portrayal of the subject areas' botanical hot spots and notewdrthy collection history, and a discussion of threats, opportunities, and constraints unique to each area. With the exception of the guest authors' contributions, the remaining text appearing in the green boxes was written by lead authors Mr. Bartnsh, Mr. Naumovich, and Conservation Committee Chairperson, Laura Baker.

As an enticement to professionals and laypeople alike, our guest authors contributed their personal impressions of these areas and why they are important as native plant refugia. Their contributions appear at the top of the page to provide the reader "A Sense of Place" relative to each BPPA. The guest authors include a broad spectrum of individuals ranging from dedicated amateur botanists, established academics, and government regulators. They were provided a list of interview questions to elicit a connection to the BPPA that would appeal to both native plant neophytes and seasoned enthusiasts. These questions were formad into a short paragraph that portrays their impressions and importance of the BPPA. Due to layout restrictions, many of the guest authors' piecos appearing in this guidebook are abridged versions. Each of the guest author's entire narratives will be published separately in coming issues of the East Bay Chapter's newsletter, the *Bay Leaf*.

Botanical Priority Protection Areas

Alameda and Contra Costa Counties

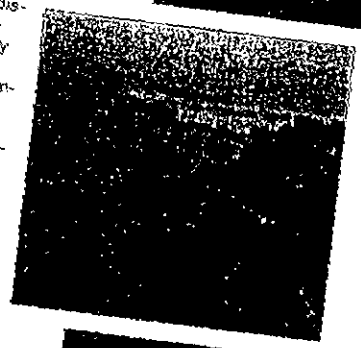
Each BPPA includes a list of sensitive botanical resources that have been given listing status and comprise: one sensitive natural community; four plant species that are either statewide or locally rare and considered extant; and one historic occurrence that has not been seen for a minimum of 40 years. A section on the botanical hot spots within the BPPA is included that addresses the general locations of this list of botanical resources and colorful collection anecdotes. This list is also accompanied by photos of selected species within each BPPA.

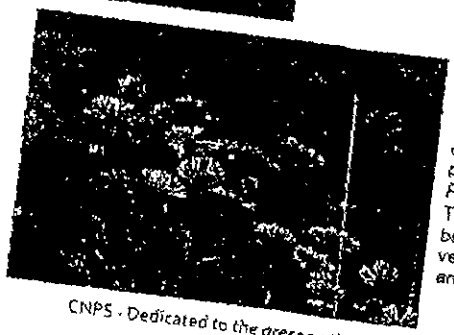
An understanding of listing status in California and its regulatory significance is important to understanding the text below that deals with various rankings. Listing status is given for specific vegetation types and native plant species that meet a certain set of criteria. Within our chapter area we recognize three types of listing status: Sensitive Natural Communities; Special-Status Plant Species; and Locally Rare Plant Species. These designations support our labeling of the 15 botanical areas as priorities for protection.

Typically, vegetation types that are given an elevated listing status are referred to as Sensitive Natural Communities. Sensitive Natural Communities are characterized as plant assemblages that are unique in constituent components, restricted in distribution, supported by distinctive edaphic conditions, considered locally rare, potentially support special-status plant or wildlife species and/or receive regulatory protection from municipal, county, state and/or federal entities. The California Natural Diversity Database treats a number of natural communities as rare, which are given the highest inventory priority. Current vegetation types treated as Sensitive Natural Communities appear in the California Department of Fish and Game (CDFG) Vegetation Mapping and Classification Program's List of California Vegetation Alliances.

Special-status plant species are those considered listed as Endangered, Threatened, or Rare by the U.S. Fish and Wildlife Service and/or by the CDFG. Regulatory statutes that have designated certain plant species as having special-status include: Federal Endangered Species Act (FESA), California Endangered Species Act (CESA), California Fish and Game Code, and the Native Plant Protection Act (NPPA) of 1977.

In addition, CNPS has developed and maintains a list of rare, Threatened and Endangered plants of California. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. The CNPS list is endorsed by the CDFG and effectively serves as its list of "candidate" plant species. The following identifies the definitions of the CNPS listings:





EAST BAY CNPS

List 1A: Plants presumed to be extinct in California;

List 1B: Plants that are rare, Threatened, or Endangered in California and elsewhere;

List 2: Plants that are rare, Threatened, or Endangered in California, but are more numerous elsewhere;

List 3: Plants about which more information is needed (a review list); and

List 4: Plants of limited distribution (a watch list).

CNPS List 1B and List 2 species are considered eligible for state listing as Endangered or Threatened pursuant to the California Fish and Game Code. As part of the CEQA process, such species should be fully considered, as they meet the definition of Threatened or Endangered under the NPPA and Sections 2062 and 2067 of the California Fish and Game Code. CNPS List 3 and List 4 species are considered to be either plants about which more information is needed or are uncommon enough that their status should be regularly monitored. Such plants may be eligible or may become eligible for state listing, and CNPS and CDFG recommend that these species be evaluated for consideration during the preparation of California Environmental Quality Act (CEQA) documents, as some of these species may meet NPPA and CESA criteria as Threatened or Endangered.

Locally rare plant species are those considered to be: 1) at the outer limits of their known distribution; 2) a range extension; 3) a rediscovery; or 4) rare or uncommon in a local context. All of these are tracked in Alameda and Contra Costa counties by the East Bay chapter of CNPS and published in Rare, Unusual, and Significant Plants of Alameda and Contra Costa Counties. Through this program, the East Bay Chapter has been divided into 40 botanical regions based on vegetation, geology, habitats, soil types, climate, and other factors.

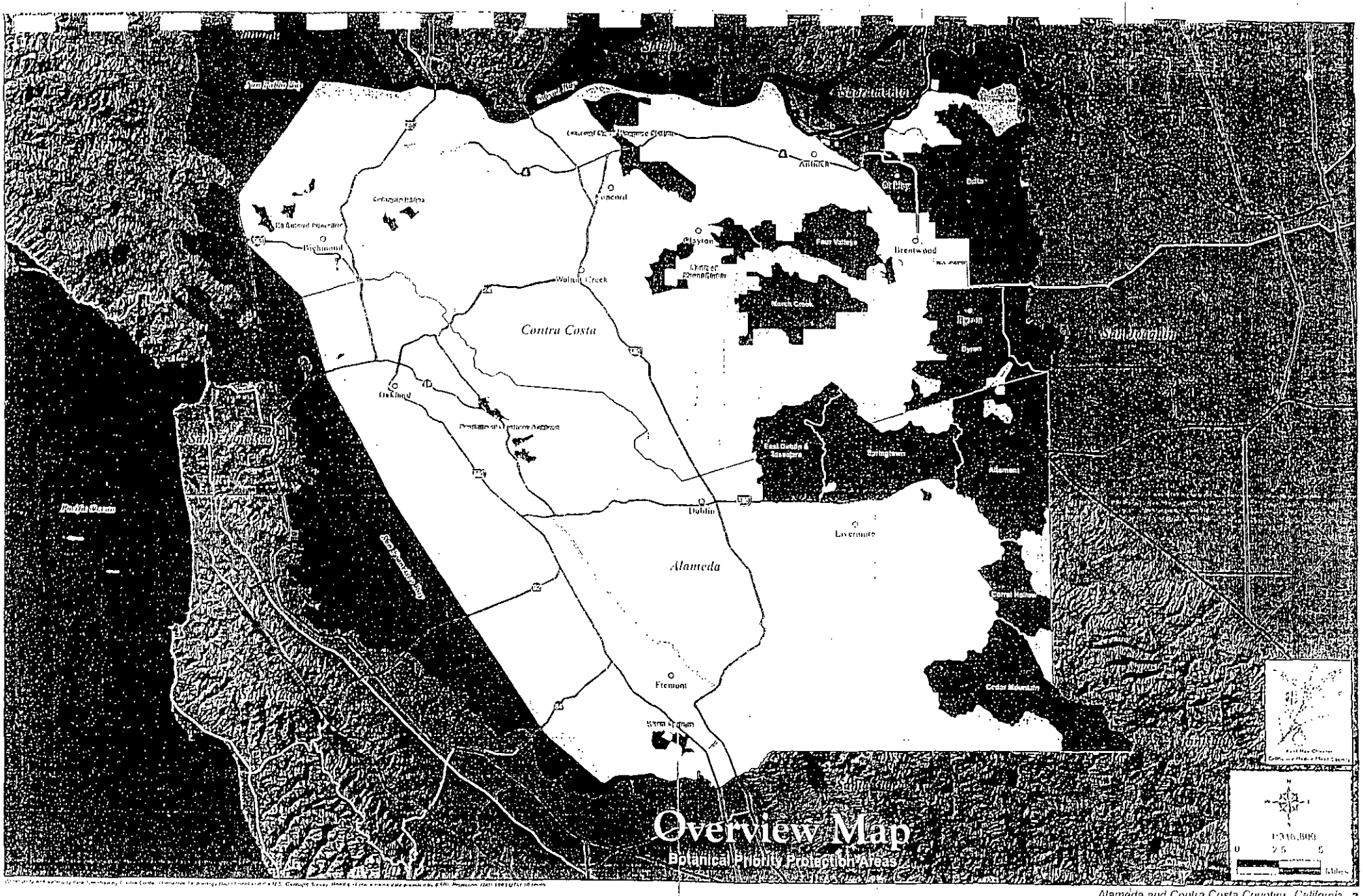
Although not regarded as special-status species by the USFWS or CDFG, locally rare plants can receive regulatory protection through CEQA's Article 9 and Guidelines §15125(a) and §15380 which state that "special emphasis should be placed on environmental resources that are rare or unique to that region." CNPS also has the stated goal of "preserving plant biodiversity on a regional and local scale." Relying on these statements the East Bay Chapter of CNPS maintains a program, started in 1991, that tracks rare, unusual, and significant plants that occur within our chapter.

Anthropogenic and environmental threats are a common thread to each BPPA. The inclusion of a discussion of threats, opportunities, and constraints highlights current conservation issues and conveys why these areas need protection. We hope to highlight some of the current, relevant environmental impacts facing the BPPAs, as well as introduce some of the cooperative efforts that are helping bring attention and protection to the unique botanical values of the sites.

Our chapter is keenly aware of the challenge facing us as we try to cope with the push to accommodate a growing tide of population drawn to the beauty of our unique East Bay landscape. California's most enduring but ironically tragic character flaw is that it draws many people to a place of delicate and finite natural resources. With our guidebook, we hope to provide local governments and land managers enough information to make botanically conscious land-use decisions so that our beloved botanical treasure box will bend, not break, under the weight of its growing human population.

This project has been supported by funding from the Rose Foundation, the Tides Foundation, and the East Bay Chapter of CNPS.

For information on this project please contact Heath Bennosh, East Bay Chapter Rare Plant Botanist, hbennosh@nomadecology.com or Lech Naumovich, East Bay Chapter Conservation Analyst conservation@ebcnps.org.


Contra Costa
Alameda
Richmond
Walnut Creek
Antioch
Pittsburg
Concord
Clayton
Brentwood
Oakland
Dublin
Livermore
Fremont
Pleasanton
San Francisco
Pacific Ocean
San Pablo Bay
Suisun Bay
Delta
Mount Diablo
Overview Map
Botanical Priority Protection Areas
1:316,800
0 2.5 5
Miles

Attachment 5:

CNPS Rare Plant Program Ranking System, labeled "Exhibit A"

CNPS California Native Plant Society

CNPS California Native Plant

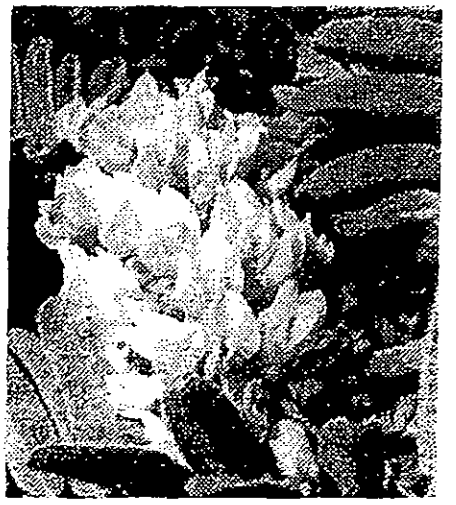
Rare Plant Program

The CNPS Ranking System

CNPS Lists

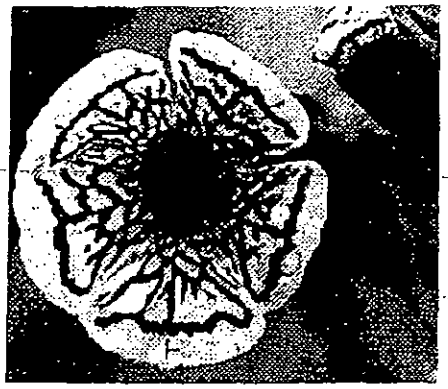
CNPS has created five "lists" in an effort to categorize degrees of concern. Please see the Online Inventory for information about the number of plant taxa in each category and for more information about the species tracked as rare by CNPS. The CNPS lists are described as follows:

List 1A: Plants Presumed Extinct in California



Astragalus pycnostachyus var. *lanosissimus* (Rediscovered in 1997- now on List 1B.1), photo by Nick Jensen 2006

EXHIBIT A



Mimulus pictus (List 1B.2), photo by Lara Hartley 2006

The plants of List 1A (less than 30 taxa) are presumed extinct because they have not been seen or collected in the wild in California for many years. This list includes plants that are both presumed extinct in California, as well as those plants which are presumed extirpated in California. A plant is extinct in California if it no longer occurs in or outside of California. A plant that is extirpated from California has been eliminated from California, but may still occur elsewhere in its range.

Plants are placed on List 1A in an effort to highlight their plight and encourage field work to relocate extant populations. Since the publication of the fifth edition (1994), eight plants thought to be extinct in California have been rediscovered. These are Ventura marsh milk-vetch (*Astragalus pycnostachyus* var. *lanosissimus*), San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*), diamond-petaled California poppy (*Eschscholzia rhombipetala*), Mojave tarplant (*Hemizonia mohavensis*), water howellia (*Howellia aquatilis*), Howell's montia (*Montia howellii*), northern adder's-tongue (*Ophioglossum pusillum*), and Shasta orthocarpus (*Orthocarpus pachystachyus*). The successful rediscovery of several List 1A plants is encouraging and CNPS hopes that it will motivate professional and amateur botanists alike to search for and rediscover more List 1A species.

All of the plants constituting List 1A meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Secs. 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing. Should these taxa be rediscovered, it is mandatory that they be fully considered during preparation of environmental documents relating to the California Environmental Quality Act (CEQA).

List 1B: Plants Rare, Threatened, or Endangered in California and Elsewhere

The plants of List 1B are rare throughout their range with the majority of them endemic to California. Most of the plants of List 1B have declined significantly over the last century. List 1B plants constitute the majority of the plants in CNPS' Inventory with more than 1,000 plants assigned to this category of rarity.

All of the plants constituting List 1B meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Secs. 2062 and 2067

(California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing. It is mandatory that they be fully considered during preparation of environmental documents relating to CEQA.

List 2: Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

Penstemon janishiae (List 2.2), photo by Cheryl Beyer

Except for being common beyond the boundaries of California, the plants of List 2 would have appeared on List 1B. From the federal perspective, plants common in other states or countries are not eligible for consideration under the provisions of the Endangered Species Act. Until 1979, a similar policy was followed in California. However, after the passage of the Native Plant Protection Act, plants were considered for protection without regard to their distribution outside the state.

With List 2, we recognize the importance of protecting the geographic range of widespread species. In this way we protect the diversity of our own state's flora and help maintain evolutionary process and genetic diversity within species. All of the plants constituting List 2 meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Secs. 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing. It is mandatory that they be fully considered during preparation of environmental documents relating to CEQA.

List 3: Plants About Which We Need More Information - A Review List

Salvia dorrii var. *incana* (list 3), photo by Steve Matson 2006

The plants that comprise List 3 are united by one common theme - we lack the necessary information to assign them to one of the other lists or to reject them. Nearly all of the plants remaining on List 3 are taxonomically problematic. For each List 3 plant we have provided the known information and then indicated in the "Notes" section of the Inventory record where assistance is needed. Data regarding distribution, endangerment, ecology, and taxonomic validity will be gratefully received by e-mailing the Rare Plant Botanist at asims@cnps.org or (916) 324-3816.

Some of the plants constituting List 3 meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Secs. 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing. We strongly recommend that List 3 plants be evaluated for consideration during preparation of environmental documents relating to CEQA.

List 4: Plants of Limited Distribution - A Watch List

Phacelia exilis (List 4.3), photo by Lara Hartley 2005

The plants in this category are of *limited distribution or infrequent* throughout a broader area in California, and their vulnerability or susceptibility to threat appears relatively low at this time. While we cannot call these plants "rare" from a statewide perspective, they are uncommon enough that their status should be monitored regularly. *Should the degree of endangerment* or rarity of a List 4 plant change, we will transfer it to a more appropriate list.

Very few of the plants constituting List 4 meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Secs. 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and few, if any, are eligible for state hsting. Nevertheless, many of them are significant locally, and we strongly recommend that List 4 plants be evaluated for consideration during preparation of environmental documents relating to CEQA. This may be particularly appropriate for the type locality of a List 4 plant, for populations al the periphery of a species' range or in areas where the taxon is especially uncommon or has sustained heavy losses, or for populations exhibiting unusual morphology or occurring on unusual substrates.

Threat Ranks

The CNPS Threat Rank is an extension added onto the CNPS List and designates the level of endangerment by a 1 to 3 ranking, with 1 being the most endangered and 3 being the least endangered. A Threat Rank is present for ail List 1B's, List 2's and the majority of List 3's and List 4's. List 4's may contain a Threat Rank of 0.2 or 0.3; however an instance in which a Threat Rank of 0.1 is assigned to a List 4 plant has not yet been encountered. List 4 plants generally have large enough populations to not have significant threats to their continued existence in California; however, certain conditions still exist to make the plant a species of concern and hence be placed on a CNPS List. In addition, all List 1A (presumed extinct in California), and some List 3 (need more

information) and List 4 (limited distribution) plants, which lack threat information, do not have a Threat Rank extension.

Threat Ranks

- 0.1-Seriously threatened in California (high degree/immediacy of threat)
- 0.2-Fairly threatened in California (moderate degree/immediacy of threat)
- 0.3-Not very threatened in California (low degree/immediacy of threats or no current threats known)

Where did the RED Code go?

California Native Plant Society 2707 K Street, Suite 1 • Sacramento, CA 95816-5113
(916) 447-2677 • fax (916) 447-2727 • cnps@cnps.org

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Attachment 6:

Letter from California Native Grasslands Society (fax), dated March 13, 2011

Piedmont Copy & Printing

4237 Piedmont Avenue
Oakland, CA 94611
Tel: (510) 655-3030
Fax: (510) 655-3025

Fax Cover Sheet

Send to: DARIN RANELLETTI	From: JIM HANSON, CNOA
Attention: CITY OF OAKLAND	Date: 3/14/11
Office Location:	Office Location:
Fax number: 510/238-6538	Phone number 510-60+0650

☐ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☐ For your information

Total pages, including cover: 10

Comments:

FOR COMMENTS TO OAKLAND 200 MASTER PLAN AMENDMENT. THANKS!

California Native Grasslands Association

P.O. Box 8327
Woodland, CA 95776

Phone/Fax 530.661.2280

www.cnga.org
admin@cnga.org

March 13, 2011

Darin Ranelletti, Planner III
City of Oakland, Community and Economic Development
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California 94612

RE: Comments on Amendment to the Oakland Zoo Master Plan

Dear Mr. Ranelletti:

Thank you for the opportunity to comment on the Draft Subsequent Mitigated Negative Declaration/Addendum (SMND/A) from the Proposed Amendment to the Oakland Zoo Master Plan (2/11/11).

The California Native Grasslands Association submits the following comments on the description of, impacts on, and proposed mitigations for the native perennial grassland biological resources in the SMND/A of the proposed Master Plan Amendment.

Addendum Purpose

Below is the text from Section 1.1 -- Purpose of the Subsequent Mitigated Negative Declaration/Addendum from the Proposed Amendment to the Oakland Zoo Master Plan (2-11-11):

"In 1998 the City adopted a Mitigated Negative Declaration (1998 MND) and approved a Master Plan for the Oakland Zoo. (The 1998 MND is included as Appendix A.) The Oakland Zoo now proposes to amend the previously approved Master Plan to refine and make certain changes to the site plan for the Master Plan. This document is a Subsequent Mitigated Negative Declaration /Addendum (SMND/Addendum) to the 1998 MND. This SMND/Addendum analyzes the buildout of the amended Master Plan against the City's current CEQA Thresholds of Significance and compares the environmental effects of the amended Master Plan to the environmental effects of the approved Master Plan analyzed in the 1998 MND.
Pursuant to Section 15164 of the State CEQA Guidelines, the City has determined that the proposed Master Plan amendment meets the requirements for an addendum to the 1998 MND because only minor technical changes or additions are necessary and/or the project does not meet any of the criteria described in Section 15162 of the State CEQA Guidelines, nor are any of the

The mission of the California Native Grasslands Association is to promote, preserve, and restore the diversity of California's native grasses and grassland ecosystems through education, advocacy, research, and stewardship.

circumstances described in Section 15162 present, requiring a Subsequent Environmental Impact Report (EIR) or Subsequent Negative Declaration. Specifically, the project would not result in any new significant environmental impacts or a substantial increase in the severity of previously identified significam impacts resulting from substantial changes in the project, substantial changes with respect to the circumstances surrou nding the project, or new information of substantial importance which was not known and could not have been known whh the exercise of reasonable diligence at tbe time the previous MN D was adopted However, in the interest of being conservative and providing addirional opportunity for public review, the City is following the procedural requirements for a Subsequent Mitigated Negative Declaration. Therefore, this document is titled a "Subsequent Mitigated Negative Declaration/Addendum."

CNGA Comments

The MND and SMND/Addendum appropriately acknowledge the presence of and need to mitigate for existing and stable natural heritage native grassland commmhies that could be impacted by the proposed development. CNGA supports this important consideration in the buildout of the amended Master Plan....it is in line with the intent of a center that will show the beauty and values of California's natural history.

However, there is an inadequate description of the current presence and quality, impacts, and mitigation for these California native grassland biological resources in the SMND/Addendum. Our comments are as foliows:

1. *The SMND/Addendum description of the existing rare, and potentially high-quality native grassland in the Master Plan area is not adequate to determine the impacts and possible mitigations from ihe proposed Master Plan amendment.*

In the 1998 MND, native and non-native grassland communities were identified and mapped within the area covered by the Master Plan amendment area. In the 2011 SMND/A, populations of our state grass, Purple Needle Grass (*Nassella pulchra*) and Califomia Oat Grass (*Danthonia Califomia*) (note 1), were mentioned as present in tbe Master Plan area. Likewise, the SMND/A cites gradual loss of Knowiand Park's native florlstic resources, including native grasslands, due to continued invasive weed advancement and former management impacts.

The SNMD/A memions the California's Natural Diversity Data Base (CNDDB) protocol for identifying, ranking rarity, and evaluating stand quality of threatened plant communities. Nassella pulchra, along with other native grassland species, is present within the Master Plan amendmem area. Natural communities of this native grassland, particularly high quality areas, have been lost from development and other causes and are given the highest rarity status, a State ranking of S-3.

us, centuries to develop. A 1:1 revegetation seeding may be an equivalent mitigation for disturbance or loss to a previously reseeded native grassland, but not a heritage grassland community. In addition, without a current vegetation inventory and mapping, the impacts that could be avoided or minimized on the existing heritage native grassland are not considered in the SMND/A

4. *No endowment or secure ongoing funding commitment is provided for ongoing management of intact or revegetated grasslands in the Habitat Recovery Plan.*

Revegetating a native grassland population requires more skill and funding commitment and time than protecting an existing, stable grassland community. Volunteers are mentioned for this purpose, and this is commendable and valuable, but there is no secure funding identified to maintain these reclaimed areas if the vohmteer effort is infrequent or not enough to maintain the proposed revegetation, protection, and enhancement areas of the Habitat Enhancement Plan.

6. *The project purpose is to enable the Oakland Zoological Society to help the public enjoy and appreciate California's natural history. However, there are no project alternatives included in the SNMD/Addendum that can be evaluated to optimally conserve the existing California heritage native grassland resources that currently exist in the Master Plan area. It is not possible to determine if the Master Plan amendment area's higher quality native grasslands are optimally retained since there is no current vegetation mapping and only one development footprint is provided. The* SMND/A *contains insufficient buildout alternatives to evaluate the optimum conservation (or avoidance) of a key biological feature this project has been designed to represent.*

Therefore, CNGA believes that the proposed a Supplemental Environmental Impact Report (EIR) should be implemented since the SNMD/Addendum does not fully describe the current native grassland biological resources, the proposed project impacts on the resource, and the best possible mitigations on historically high-quality native grasslands in the Master Plan amendment area (especially in relation to tbe Chy's Open Space "OSCAR" policy on protection of native flora). We believe an EIR would enable creation of developroent alternatives that would address these gaps and strengthen the important goals of this California natural history project.

Sincerely,

Jim Hanson, Conservation Chair

Attachmem 1: Outline of "Neddlegrass Grassland" from 1998 Mitigated Neg. Declaration
Attachment 2: Grasses in Oakland Zoo 1820 Project Area
Attachmem 3: Rare and Unusual Plants of Knowland Park - A-Rated (Jan. 2011)
Attachment 4: Rare and Unusual Plants of Knowland Park - B-Rated (Jan. 2011)
Attachment 5: Rare and Unusual Plants of Knowland Park - C-Rated (Jan. 2011)

Note: Page 3.3-20 mentions *Nacelle pilchard* and *Antonia California* which we believe are simply typographical errors and signify Nassella pulchra and Danthonia californica, respectively.

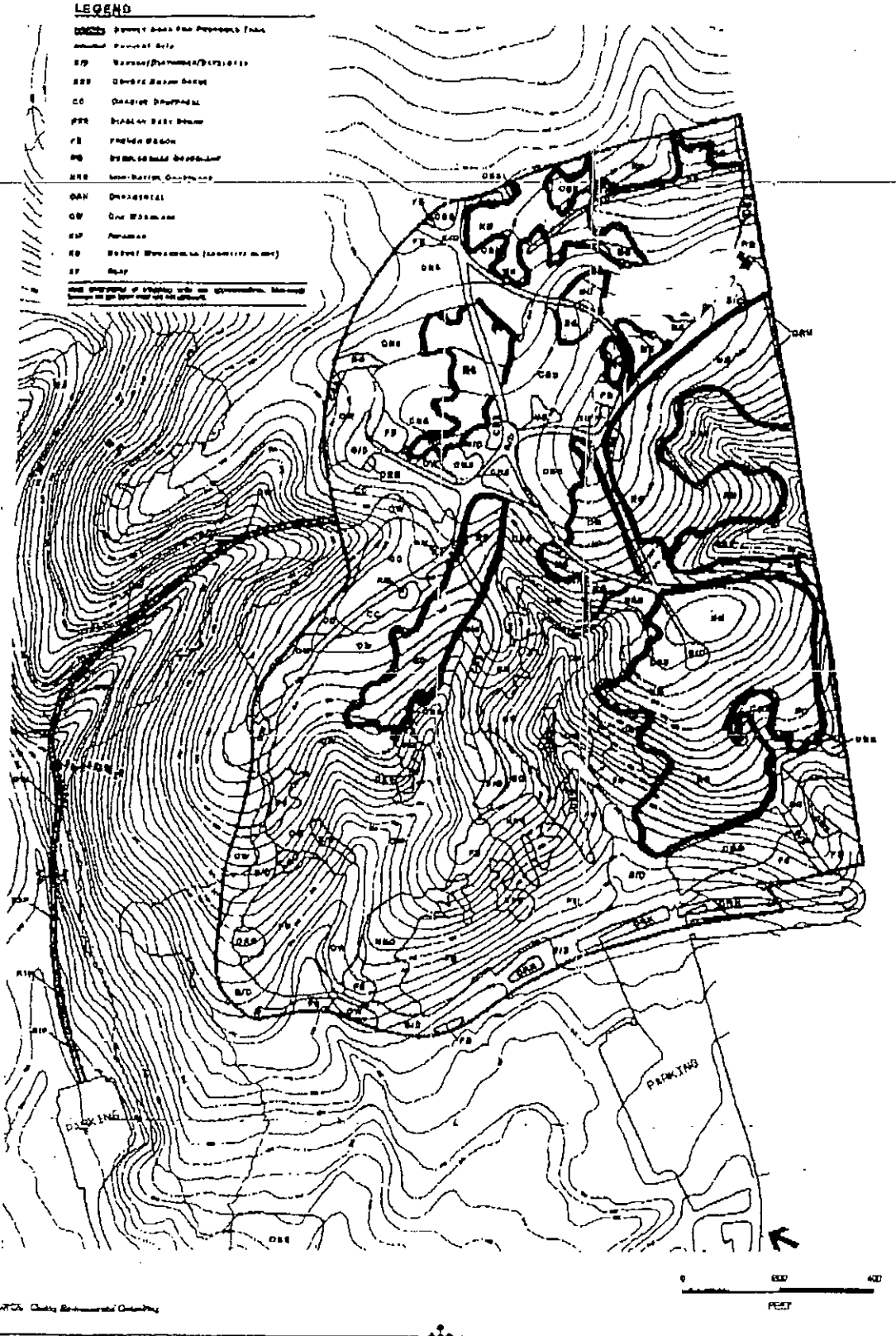

Figure 3
Natural Communities & Sensitive Plants
in California 1820 Exhibit Area

ATTACHMENT 1

1998 MITIGATED NEG. DECLARATION

From: OAKLAND ZOO IN KNOWLAND PARK MASTER PLAN

"NEEDLEGRASS GRASSLANDS"
(OUTLINED FOR CLARITY)

Attachment 2

Native Grasses in Oakland Zoo 1820 Project Area

Agrostis pallens	leafy bentgrass
Bromus carinatus var. carinatus	California brome
Bromua laevipes	woodland brome
Danthonia californica var. californica	California oatgrass
Elymus glaucus ssp. glaucus	blue wildrye
Elymus muhlsctus	big squirrehail
Hordeum brachyantherum	meadow barley
Melica california	California melic grass
Melica imperfecta	small-flowered melic grass
Melica torreyana	Torrey's melie
Nassella lepida	foothill needlegrass
Nassella pulchra	purple needlegrass
Vulpia microstachys var. ciliata	Eastwood's vulpia
Vulpia microstachys var. pauciflora	Pacific vulpia

Courtesy of Dianne Lake, East Bay Chapter, California Native Plant Society

Attachmedt 3

Rare and Unusual Plants of Knowland Park (Current and Historical)

As Of January 2011

(Statewide Rare Plants Are In Upper Case)

East Bay Rarity Rank	Species	Common Name	Habitat
A2	Brodiaea terrestris ssp. terresiris	dwarf brodiaea	Grassland; Woodland; Misc. Wcdands
*A2	CALOCHORTUS UMRELLATUS	Oaidand srar-tulip	Cbapairal; Scmb; Woodland
A1	Carer dudkyi	Dudley's sedge	Misc. Wetlands
A2	Carex muhicostata	many-ribbed sedge	Misc. babltsts
A2	Castilleja subinclusa ssp. franciscana	Franciscan bidhni paintlrush	Chaparral; Scmb
A2	Corallorhiza maculata var. maculata (fonaa innnaculaia is more comiaon in East Bay)	spotted coralroot	Forest; Woodland
A2	Cryptaadm torreyana	Torrey's cryptaniba	Dry Open Slopes; Forest
A2	Deinaadra corymbosa ssp. corymbosa (focmerly Hemizonia corymbosa)	coast tarweed	Coastal Bhiff; Grasslaml
A2	Juncus phaeocephalus var. umkaown	brown-headed nish	Misc. Wetlands
*A1	LEPTOSIPHON ACICULARIS (formerly LINANTHUS A)	bristly ljuantbus	Chaparral; Grassleud; Woodland
*A2	MONARDELLA VILLOSA SSP. GLOBOSA (ssp. villosa is more comnicm)	robust mcnardella	Chaparral; Woodland
A2	Sanicula laciniata	coast sanicle	Chaparral; Scrub; Woodland
*A2	STREPTANTHUS ALBIDUS SSP. PERAMOENUS	most beautiful jewel-flower	Chaparral; Dry Open Slopes; Grassland; Scrpentiae

Explanation of Ranks

*A1 or *A2: Species in Alameda aod Cootra Costa counties listed as rare, threatened or eodangered statewide by federal or state agencies or by the state level of CNPS.

A1x: Species previously lcaown from Alameda or Conoa Costa Counties, but now presumed extirpated here.

A1: Species currently loiown from 2 or less regions in Alruneda and Contra Costa Counties.

A2: Species currently known frem 3 to 5 regions in the two counties, or, If more, meeting odier Important criteria such as small populations, stressed or declining populations, small geographical range, limited or threatened habitat, etc.

A1?: Species with taxonomic or distribution probkms that make it unclear If they actually occur here.

B: High-Priority Watch List: Plants occurring in 6 to 9 regions here or otherwise limited or dreateoed

C: Second-Priority Watch List: Plants occurriog in 10 to 15 regions here, but have potential threats.

Courtesy of Dianne Lake, East Bay Chapter, California Native Plant Society

Amendment 4

B-Ranked Unusual Plants of Knowland Park (Current and Historical)
As Of January 2011

East Bay Rarity Rank	Species	Common Name	Habitat
B	Antirrhinum vexillocalyculatum ssp. vexillocalyculatum	wiry snapdragon	Rock, Tallus or Scree; Sand or Sandstone areas; Serpentine
B	Calamagrostis rubescens	pine grass	Woodlands
B	Festnea rubra	red fescue	Coastal Bluff; Grassland; Sand or Sandstone
B	Garrya elliptica	silk tassel bush	Coastal Bluff; Chaparral; Sand or Sandstone; Woodland
B	Helianthemum scoparium	peak rush-rose	Chaparral; Dry Open Slopes; Rock, Tallus or Scree; Sand or Sandstone
B	Hordeum jubatum	foxtail barley	Misc. habitats
B	Mentha arvensis	marsh mint	Riparian areas; Misc. Wetlands
B	Ribes divaricatum var. pubiflorum	straggly gooseberry	Coastal Bluff; Riparian; Scrub
B	Rumex salicifolius var. unknown	willow dock	Riparian areas; Misc. Wetlands
B	Sequoia sempervirens	coast redwood	Redwood Forest
B	Sidalcea malviflora ssp. malviflora (ssp. laciniata is more common)	checkerbloom	Grassland
B	Silene laciniata ssp. californica (formerly Silene c.)	California Indian pink	Chaparral; Forest; Woodland
B	Vaccinium ovatum	California huckleberry	Forest; Redwood Forest
B	Vulpia octoflora var. oligoura	sleader fescue	Chaparral; Dry Open Slopes; Dry Washes; Sand or Sandstone

Explanation of Ranks

*A1 or *A2: Species in Alameda and Contra Costa counties listed as rare, threatened or endangered statewide by federal or state agencies or by the state level of CNPS.

A1x: Species previously known from Alameda or Contra Costa Counties, but now presumed extirpated here.

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A2: Species currently known from 3 to 5 regions in the two counties, or, if more, meeting other important criteria such as small populations, stressed or declining populations, small geographical range, limited or threatened habitat, etc.

A1?: Species with taxonomic or distribution problems that make it unclear if they actually occur here.

B: High-Priority Watch List: Plants occurring in 6 to 9 regions here or otherwise limited or threatened.

C: Second-Priority Watch List: Plants occurring in 10 to 15 regions here, but have potential threats.

Courtesy of Dianne Lake, East Bay Chapter, California Native Plant Society

Attachment 5

C-Ranked Unusual Plants of Knowland Park (Current and Historical)
As Of January 2011

East Bay Rarity Rank	Species	Common Name	Habitat
C	Acaena pinnatifida var. californica	California acaena	Coastal Bluff; Rock, Scree or Talus; Scrub; Sand or Sandstone
C	Arctostaphylos tomentosa ssp. crustacea	brittleleaf manzanita	Chaparral; Sand or Sandstone
C	Calochortus luteus	yellow mariposa lily	Forest; Grassland; Woodland
C	Camissonia ovata	sun cup	Coastal Bluff; Grassland
C	Clematis ligusticiblia	virgin's bower	Riparian
C	Danthonia californica var. californica	California oatgrass	Grassland
C	Hemizonia congesta ssp. lutescens (formerly included in ssp. congesta in Jepson Manual)	hayfield tarweed	Grassland; Serpentine
C	Lilaea scilloides	flowering quillwort	Misc. Wetlands
C	Navarretia mellita	honey-scented navarretia	Chaparral; Gravel; Sand or Sandstone
C	Prosartes hookeri (formerly Disporum h.)	fairy bells	Woodland
C	Rhamnus crocea	spiny redberry	Chaparral; Scrub; Woodland
C	Scutellaria tuberosa	Dannie's skullcap	Burns; Chaparral; Woodland
C	Tauschia hartwegii	Hartweg's tauschia	Chaparral; Woodland
C	Viola pedunculata	Johnny-jump-up	Chaparral; Grassland; Woodland
C	Vulpia microstachys var. ciliata (var. pauciflora is more common)	Eastwood's fescue	Forest; Sand or Sandstone
C	Wyethia glabra (W. helenioides is more common)	mule ears	Scrub; Woodland
C	Yabea microcarpa	California hedge parsley	Misc. habitats

Explanation of Ranks

*A1 or *A2: Species in Alameda and Contra Costa counties listed as rare, threatened or endangered statewide by federal or state agencies or by the state level of CNPS.

A1x: Species previously known from Alameda or Contra Costa Counties, but now presumed extirpated here.

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Courtesy of Dianne Lake, East Bay Chapter, California Native Plant Society

Attachment 7:

Letter from Sierra Club, dated March 14, 2011

SIERRA CLUB
FOUNDED 1892

Northern Alameda County Group
(Alameda-Albany-Berkeley-Emeryville-Oakland-Piedmont-San Leandro)
2530 San Pablo Avenue, Suite I, Berkeley, CA 94702
510-848-0800 (voice) · 510-848-3383 (fax)

March 14, 2011

Darin Ranelletti, Planner III
Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California, 94612

Sierra Club's Comments on the Subsequent Mitigated Negative Declaration (SMND) for the Oakland Zoo Master Plan Amendment

The Sierra Club has followed the Oakland Zoo's expansion plans for several years. We previously expressed our concern about the loss of open space in Knowland Park and potential impacts the Zoo expansion will have on the built and natural environment. In light of the length of time that has elapsed since the original Master Plan was approved in 1998, and since the new proposal is significantly changed from the original proposal, we think that the 1998 mitigated negative declaration is no longer valid according to CEQA. We asked City of Oakland Planning and Zoning staff for more time to review this environmental review document – a request that was declined.

In the following pages, we have summarized our comments in regards to the mitigated negative declaration.

General Comments Regarding the Subsequent Mitigated Negative Declaration (SMND)

1. Because of the significant differences of the new expansion proposal to the old (different acreage on the ridges, a bigger interpretive center, new gondola, etc.), the Sierra Club considers the 1998 mitigated negative declaration no longer valid according to CEQA. Therefore we do not find it acceptable that mitigations proposed in the 1998 plan are being re-used or modified for the purposes of this new expansion plan. The mitigations should be completely reformulated to match the changed character of the new California! expansion proposal.

2. The Sierra Club is disappointed that the pedestrian hiking trail which was included in the original application for the approved Master Plan (following the contours of Arroyo Viejo Creek), connecting the meadow picnic area with the hiking trails near the proposed California Interpretive Center and throughout the rest of Upper Knowland Park, has been eliminated (p. 72). We are unclear why the Zoo has chosen not to fund this trail, though the SMND does hint (on p. 176) that such a trail might impact "sensitive chaparral and riparian habitat." A freely accessible, protected self-guided walk along the Creek would be a positive addition, because it would a) allow people to access and observe the area around Arroyo Viejo Creek for free, b) improve public health when people exercise by walking up and downhill and c) provide an educational opportunity for the public on the topic of riparian and natural habitat conservation, while promoting a positive conservation message by the Zoo. This also aligns with the Sierra Club's mission to "explore, enjoy and protect" natural areas.

3. Among the "Environmental Topics Requiring Updated Discussion", in the table of contents, there is no topic dedicated to "loss of open space." How does the Zoo / City plan to mitigate or make up for the loss of 50± acres of open space (of which approx. 20 acres are walkable)?

4. We are pleased that an "Ecological Recovery Zone" is planned that will "serve as an active educational resource for the community" (p. 54)

5. We are pleased with the proposed outfall repair and replacement to relocate the pipe downstream of its current location at Arroyo Viejo Creek and replace the pipe with a standard pipe type used for storm drainage conveyance. (p. 59.)

6. We are pleased that the Zoo has proposed to use detention basins, bio-retention planters (rain gardens), or landscaped vegetated swales to reduce pollution from additional runoff caused by the project. (p. 292)

7. We are pleased that an estimated 100,000 new visitors will be able to visit the zoo, learn about animal and wildlife conservation, and come to appreciate Knowland Park. However, we would be even more pleased if 100,000 new visitors came to enjoy free access to Knowland Park. The Sierra Club believes in the conservation of all natural areas and parks, and therefore has major concerns when any institution, no matter how excellent their reputation, proposes to take public open space and fence it in.

Specific Comments Regarding the Subsequent Mitigated Negative Declaration

Biological Resources (Section 3.3)

On page 176 the SMND states: "The proposed perimeter fence alignment would still interfere with the movement of large animals such as deer and mountain lion, but it would be designed to allow for the passage of small animals along the base of the fence approximately every 300 feet." On the following page (p. 177) the SMND goes on: "With implementation of the relevant 1998 mitigation measures, including habitat protections provided in Mitigation Measures 13a and 13b, implementation of the HEP, and restrictions called for in Mitigation Measures 13c, together with implementation of the City's Standard Conditions of Approval related to tree removal (SCA-BIO-1 through SCA-BIO-4), creek protection (SCA-BIO-9 through SCA-BIO-14), and other habitat protections, the buildout of the amended Master Plan would have a less-than-significant impact on wildlife movement in the vicinity. As a result, no conflicts with Policies CO-11.1 and CO-11.2 of the OSCAR Element of the Oakland General Plan, relating to sustaining wildlife populations and protection of wildlife movement opportunities, are anticipated."

The Sierra Club finds a conflict with OSCAR Policy CO-11.2, which states that "Migratory Corridors shall be protected and that, where such corridors are privately owned, that new developments be required to retain native habitat or take other measures which help sustain local wildlife population and migratory patterns." If the zoo expansion interferes with the movement of large animals, such as deer and mountain lion, then this is interfering with migratory patterns.

3.3.3.2 (City of Oakland General Plan)

The Sierra Club finds that the proposed zoo expansion is inconsistent with the Oakland General Plan's Open Space, Conservation and Recreation Element, which states (Chapter 5, p. 46 of OSCAR) that "the substantial portion of Knowland Park above the zoo and picnic grounds...is to remain in its natural state and be managed for resource conservation and fire hazard reduction."

Hydrology (Section 3.7)

The SMND document states on p. 258, "The build out of the amended Master Plan would not result in an increase in storm water runoff to Arroyo Viejo Creek and would not cause an increase in runoff exceeding the capacity of existing storm water systems serving the Master Plan area." The Sierra Club is aware of and applauds the zoo's efforts to restore Arroyo Viejo Creek in partnership with the California Coastal Conservancy and other local agencies, as well as the zoo's plans to divert water from the creek through improved piping, detention ponds, bio-swales, etc. as outlined in the SMND. However, it appears likely that the expansion will result in an increase in storm water runoff to Arroyo Viejo Creek. If the project increases impervious surfaces (through the installation of exhibits with cement and/or asphalt walking paths and service roads) within the drainage basin of Arroyo Viejo Creek, then it more water will be flowing to the Creek in storms and during periods of high precipitation.

We also remind the City and the Planning Commission about the nearby Leona Quarry residential development built by DeSilva Group in the 1990s, where "controls" to prevent storm water runoff into Leona Creek failed in spring 2007. The controls were only installed by court order following a 2003 citizen lawsuit – yet these failed, and resulted in sewer discharges into Leona Creek, and, due to increased water pressure, a manhole was blown off its cover with attendant spills of sewage.

Transportation and Circulation (Section 3.11)

We are pleased that the SMND refers to the 1998 requirement for approval of a Parking and Transportation Demand Management (TDM) plan prior to issuance of a final inspection of the building permit: "The applicant shall submit for review and approval by the Planning and Zoning Division a Transportation Demand Management (TDM) plan containing strategies lo reduce on-site parking demand and single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel shall be considered."

Where can the Sierra Club obtain the Zoo's Transportation and Demand Management Plan?

Also, with respect to "reducing single occupancy vehicle travel:" if an additional 100,000+ annual visitors are expected as a result of the expansion, then we would propose that the zoo include in their TDM plan mitigation measures such as :

- Reward zoo employees and visitors for car pooling, cycling, and transit (how about discounts on admission to the zoo?)
- Subsidize AC Transit for additional weekend service on line 46 (which currently provides no weekend service)
- Provide a shuttle service during popular park hours to and from transit destinations, for instance the Eastmont Mall, or Coliseum BART.

Our biggest concern regarding transportation is the climate change emissions that will increase from the increased number of zoo visitors expected (p. 433 says that 100,000 to 150,000 additional visitors are expected per year). If these visitor numbers are true, then the zoo or the City must find a way to provide more public transportation. Otherwise the climate change impact of this project will clearly be significant due to increased numbers of car trips.

Summary

Though the SMND studies the impacts to the natural environment resulting from the Oakland Zoo expansion in a fair amount of detail, and proposes several good mitigation measures, the Sierra Club still has serious concerns with this document. Mitigation measures are in some instances difficult to identify, or rely on the 1998 negative declaration, which we consider no longer valid according to our understanding of CEQA. We have specific concerns related to Biological Resources, the City of Oakland's General Plan (OSCAP), Hydrology and Transportation. We want these concerns addressed before this expansion plan is approved.

Kent Lewandowski
Sarah Syed (Chair)
Sierra Club Northern Alameda County Group

Attachment 8:

Letter from Shute, Mihaly, and Weinberger, LLP, dated March 14, 2011

SHUTE, MIHALY
& WEINBERGER LLP

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CATHERINE C. ENGBERG
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March 14, 2011

Via Electronic Mail

Darin Ranelletti, Planner III
City of Oakland, Community and
Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315,
Oakland, California, 94612,

E-Mail: dranelletti@oaklandnet.com

Re: Subsequent Mitigated Negative Declaration/Addendum for the Proposed Amendment to the Oakland Zoo Master Plan

Dear Mr. Ranelletti:

On behalf of Friends of Knowiand Park, I am writing to inform the City that the proposed Amendment to the Oakland Zoo Master Plan ("the project") is inconsistent with the City of Oakland's General Plan in violation of State Planning and Zoning Law, Govt. Code § 65000 *et seq.* In addition, the City has failed to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 et seq. ("CEQA Guidelines") by (1) failing to prepare a new or subsequent environmental impact report; (2) failing to adequately analyze the impacts of the project; and (3) failing to require mitigation measures adequate to ensure the impacts are reduced to less than significant levels.

I. Approval of the Project Would Violate California Planning and Zoning Law.

The State Planning and Zoning Law requires that development decisions be consistent with the jurisdiction's general plan. Accordingly, "[t]he consistency doctrine [is] the linchpin of California's land use and development laws; it is the principle which infuses the concept of planned growth with the force of law." *Families Unafraid to Uphold Rural El Dorado County* v. *Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1336. It is an abuse of discretion to approve a project that "frustrate[s] the General Plan's goals and policies." *Napa Citizens for Honest Gov't v. Napa County* (2001) 91

Cal.App.4th 342, 379. The project need not present an "outright conflict" with a general plan provision to be considered inconsistent; the determining question is instead whether the project "is compatible with and will not frustrate the General Plan's goals and policies." *Napa Citizens*, 91 Cal.App.4th at 379.

Here, the project conflicts with the Open Space Conservation and Recreation ("OSCAR") element of the City's General Plan. Specifically, OSCAR policy "REG-1.3: Siting of Buildings in Parks" flatly prohibits the placement of the Interpretive Center and the new veterinary hospital within the Knowiand Park boundary. This policy states: "Strongly discourage new *non-recreational* buildings in City parks unless their construction is a matter of public necessity and the use cannot be reasonably accommodated in another location." OSCAR at 4-29. The three story Interpretive Center, which is filled with office uses, and the veterinary hospital are clearly not recreational uses. Subsequent Mitigated Negative Declaration/Addendum ("SMND/A" or "Addendum") at 2-16 and 2-24. The Zoo has failed to make any showing that these structures are necessary or cannot be accommodated elsewhere.

Furthermore, the proposed project cannot meet the three exceptions in the policy that would allow such construction. The policy specifies the following:

> Exceptions to this policy may be made in cases where there are (a) no feasible alternatives to placing buildings in parks; (b) the buildings are being developed in accordance with an overall Master Plan for the impacted park; and (c) replacement open space will be provided as specified in REC-1.2. OSCAR at 4-29.

All three exceptions must be met before a building may be placed in a park. *Id.*

The proposed project does not satisfy the criteria in sections (a) and (b) above and therefore fails to qualify for an exception. First, the Addendum fails to analyze feasible alternatives for locating office uses and the veterinary hospital at off-site locations or within the existing developed portions of the Oakland Zoo. Second, the project is *not* being developed in accordance with an overall Master Plan for the impacted park. Indeed, the original 1998 Master Plan did not include the veterinary hospital and the Interpretive Center was a modest one story structure. Furthermore, the OSCAR only intended to exempt development in Knowiand Park that is consistent with an "already adopted master plan." OSCAR at 4-29. Because the project proposes to amend the already adopted master plan, it is clearly not consistent with it.

As discussed below, by placing die massive interpretive Center on the ridgeline without considering scaled-down altematives, the project is also inconsistent with OSCAR Policy OS-10.1 regarding preservation of scenic views. The project's inconsistency with the City's General Plan also results in significant environmental impacts under CEQA. *See Pocket Protectors* v. *City of Sacramento* (2004) 124 Cal.App.4th 903.

II. The City Should Have Prepared a Subsequent or New EIR.

The City has failed to prepare the proper environmental document. CEQA requires agencies to prepare subsequent environmental impact report ("SEIR") where (1) substantial changes are proposed to the project; (2) substantial changes occur in the circumstances imder which the project is to be undertaken; or (3) new information of substantial importance emerges. Pub. Res. Code § 21166; Guidelines § 15162; *Mira Monte Homeowners Ass'n* v. *County of Ventura* (1985) 165 Cal.App.3d 357, 363-66. Where the agency previously certified a negative declaration, as was the case here, an addendum is only appropriate where "minor technical changes or additions are necessary." *Mani Brothers Real Estate Group* v. *City of Los Angeles* (2007) 153 Cal.App.4th 1385, 1400.

Here, all three criteria for a SEIR are met. First, the new project elements represent a substantial departure from the previously approved project. Indeed, the Zoo seeks to incorporate the following components, none of which were included in the original Master Plan: (1) an aerial gondola people-moving system; (2) substantial redesign and relocation of the Califomia Interpretive Center; (3) a new veterinary medical hospital; and (4) a new overnight camping area. SMND/A at 2. For example, the Interpretive Center approved in the 1998 Master Plan was a single story building encompassing approximately 7,500 square feet. SMND/A at 2-47. The redesign of the Califomia Interpretive Center would result in a three-story building that is 34,305 square feet--more than *four times* larger dian the approved structure. *Id.* at 2-16. In addition, the veterinary medical hospital, gondola, and the overnight camping area will disturb habitat and disrupt views not contemplated in the 1998 MND.

Second, changed circumstances that lead to "new significant environmental effects or a substantial increase in the severity of previously identified significant effects" also compel a subsequent EIR. CEQA Guidelines § 15162(a)(2). In the thirteen years that have passed since the 1998 MND was adopted, the regulatory landscape has changed substantially. For example, the prior Master Plan was approved before the City's Open Space, Conservation, and Recreation Element of the General Plan was adopted.

SMND/A at 3.8-4. Indeed, it appears that the 1998 Initial Study/Mitigated Negative Declaration analyzed the prior project's consistency with the 1995 version of the OSCAR. IS/MND at 38. As discussed below, the project's inconsistency with several of these OSCAR policies results in new significant environmental impacts.

Third, the City must prepare a SEIR if new information, "which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR [or MND] was certified," shows that the project will have impacts missing from the previous MND or that any impacts will be more severe than stated in the previous MND. CEQA Guidelines § 15162. As detailed below, recent studies reveal a host of previously unknown environmental impacts of the project. For example, while no state and federally protected Alameda whipsnakes were encountered at the project site in 1998, recent protocol surveys revealed that one or more whipsnakes are in fact present on site. SMND/A at 3.3-21. In addition, two previously undetected special status plant species, the Oakland star tulip and bristly leptosiphon, were located during 2009 and 2010 surveys. As discussed below, both species will be directly or indirectly impacted as a result of the project.

III. The Addendum Fails to Adequately Analyze and Mitigate Impacts of the Project.

After carefully reviewing the Addendum for the Project, we have concluded that it fails in numerous respects to comply with the requirements of CEQA. As described below, the MND violates CEQA because it fails: (1) to provide an adequate project description; and (2) to adequately analyze the significant environmental impacts of the Project or propose adequate mitigation measures to address those impacts.

A. The Addendum's Project Description Is Inadequate.

"An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730 (quoting *County of Inyo* v. *City of Los Angeles* (1977) 71 Cal.App.3d 185, 193). As a result, courts have found that even if an EIR is adequate in all other respects, the use of a "truncated project concept" violates CEQA and mandates the conclusion that the lead agency did not proceed in a manner required by law. *San Joaquin Raptor*, 27 Cal.App.4th at 729-30. Furthermore, "[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." *Id.* at 730) Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable.

1. Projected Attendance at the Oakland Zoo Is Misleading.

The project's traffic, air quality, greenhouse gas and noise impacts depend largely on how many Zoo visitors the project will attract. The Addendum projects the new California exhibit will cause an increase in visitors from 630,000 (current) to 700,000 (year 2035). This modest increase, however, defies common sense and contradicts actual attendance figures.

The Addendum explains that the Zoo has experienced a marked increase in attendance between 2004 and 2009. Addendum App. D at 3. In fact, the only documented *decline* in attendance experienced in the past seven years took place in 2010. *Id.*; (attendance declined from 670,700 in 2009 to 629,300 in 2010.) The report goes on to explain that Oakland Zoo visitor satisfaction is generally high, initial opening of the new exhibits is expected to result in a substantial increase in attendance, and that attendance is anticipated to stabilize at a higher level than prior to the exhibit. *Id.* at 4, 6, 7 and 9. Moreover, the document explains that the summer of 2010 was particularly cold and rainy, and that the nearby San Francisco Zoo also experienced lower attendance that year. *Id.* at 8.

Despite the data presented suggesting that the Zoo can expect increased attendance, both in the short- and long- term, the Addendum extrapolates from just one year of lower attendance to conclude that base attendance will decline to 600,000 guests per year. *See id.*, Table 3 at 12. This assumption is not explained and seems implausible. The attendance analysis ignores robust attendance figures with yearly increases for the preceding six years. *See id.*, Table 2 at 3. It inexplicably applies the decline in attendance experienced in one particular year (2010) to die following five years. This assumption artificially deflates the base attendance figures, which in turn results in low attendance projections at build-out and beyond. The analysis must be redone to include projections that accurately reflect historic attendance at the Oakland Zoo.

2. The Document Fails to Describe the Project's Gondola System.

The Addendum states that the support structures for the aerial gondola passenger movement system, which spans a length of approximately 1,850 feet and a vertical rise of approximately 331 feet, would *not* include night lighting. SMND/A at 2-13. The document also states that the Califomia Interpretive Center "may occasionally

be used in the evenings for events that currently occur at the zoo, such as zoo-related business-meetings,-fundraisers,-lectures,-the-Zoo-Lights-holiday-light-show,-and-the-annual members' night." *Id.* Presumably, nighttime visitors of the new facilities would be transported using the gondola system since no additional parking is proposed for the project. The SMND/A does not elaborate on the necessity for night lighting in the gondola cars themselves or at the gondola receiving area at the California Interpretive Center where passengers disembark. Thus, the project description fails to provide a complete and stable description of key project components and, as a result, understates the project's visual impacts.

B. The Addendum Fails to Adequately Analyze and Mitigate Impacts to Biological Resources.

The project would be located in Upper Knowiand Park, a known botanical hotspot in the Oakland hills and one of the few places where large stands of native grassland, oak woodland, coastal scrub, and chaparral co-exist in relatively intact condition. It is also known for its large number of locally rare species. Upper Knowiand Park is zoned as a Resource Conservation Area, indicating that this open space is resource-rich and an area identified by the City to be preserved.

The project proposes to place structures, roads and animal exhibits either on top of or in close proximity to these important biological resources. The Addendum recognizes that significant impacts will result and largely relies on the Habitat Enhancement Plan and Mitigation and Monitoring Plans to be prepared in the future to mitigate these impacts to sensitive habitats and special status plant and animal species. Details of these plans, however, are unknown and the City has failed to made them enforceable though legally binding instruments. Moreover, as detailed in the letter submitted by Friends of Knowiand Park under separate cover, the Zoo's record of stewardship over these open spaces lands is questionable at best. Accordingly, there is simply no basis to support the Addendum's conclusion that this project's impacts will be reduced to less than significant levels.

1. The Project Will Result in Significant Impacts to Sensitive Plant Species.

The project will result in direct and indirect impacts to two sensitive plant species: the Oakland star tulip and the bristly leptosiphon. SMND/A at 3.3-30. These plants are both maintained on the List 4.2 of the California Native Plant Society Inventory. The List 4.2 category indicates that these plants are of limited distribution and that they are uncommon enough that their status should be monitored regularly. *See*

http://www.cnps.org/cnps/rareplants/ranking.php, attached as Exhibit A. In addition, these plants are designated as "fairly threatened in California," which indicates a moderate degree and immediacy of threat to these species. *Id.*

Despite the Addendum's acknowledgment that these sensitive plant species warrant protection, the document completely fails to adequately analyze and mitigate potential impacts to them. As for the Oakland star tulip, while the Addendum evaluates potential *direct* impacts to this flower species, it fails to consider *indirect* impacts. Instead, the document notes that the known occurrence of Oakland star tulip is approximately 500 feet outside the proposed perimeter and concludes that the Project would not result in direct disturbance or impacts. However, fuel modification activities such as managed grazing and mowing, in the area outside of the perimeter fence could result in significant impacts. Knowland Park is located in an area susceptible to wildland fires. SMND/A at 3.6-12. State law requires that a defensible space be maintained around all structures. Pub. Res. Code § 4291. Thus, with implementation of the Project, which will locate structures in undeveloped areas currently in open space, fuel modification activities will likely be intensified. This in turn would result in impacts to sensitive species outside of the perimeter fence. This, and any other indirect impacts resulting from construction of the Project must be analyzed in a new or SEIR.

The Addendum's treatment of the bristly leptosiphon is no better; in fact, it proposes a plan to obliterate onsite occurrences of the species. The bristly leptosiphon is located on the portion of the site slated for the wolf exhibit. The document recognizes that the species "could be affected by trampling, den digging, and other activities of wolves within the enclosures." SMND/A at 3.3-31. However, the document is dismissive of potential impacts to this species and propose to let the wolves trample the species, monitor the species but once a year, and if needed put fencing around the species. *Id.* at 3.3-32. It is impossible to imagine a scenario where the wolves would not impact the species, the Zoo should redesign the project to avoid the species altogether. Barring that, at the very least the fencing should be required as part of the project. Furthermore, the City should impose specific mitigation for this impact as follows: (1) the frequency of the monitoring should be increased to quarterly; (2) members of the public should be invited to attend the monitoring events; and (3) monitoring reports should be provided to not only the City but also to Friends of Knowland Park and the California Native Plant Society.

The bristly leptosiphons listing on the CNPS Inventory means that conditions still exist to make the plant a species of concern. *See* Exhibit A. Therefore, the Addendum is obligated to evaluate impacts to this species under CEQA. Yet the document fails to consider the locality of this List 4 plant and how the specific locality

may affect the level of threat for this species. For example, the Addendum should have evaluated whether this population is located at the periphery of the species' range or in area where the species has sustained heavy losses, whether it exhibits unusual morphology or occurs on unusual substrates. *Id.*

2. Proposed Mitigation for the Alameda Whipsnake is Inadequate.

The project will result in a substantial reduction (15.7 acres) of state and federally threatened Alameda whipsnake habitat. SMND/A at 3.3-34. The Addendum recognizes that this impact is signiticant but fails to impose mitigation that will ensure that these impacts are reduced to less than signiticant levels.

Mitigation Measure 14c, as revised, requires compensatory mitigation for the AWS at a minimum of a 1:1 ratio. SMND/A at 3.3-4. Yet the Addendum fails to provide any specitics about how this mitigation is to be achieved, deferring the details to some future "Mitigation and Monitoring Plan." To ensure that this mitigation can be achieved, City should require that the mitigation habitat be preserved in perpetuity by placement in a conservation easement or other such binding instrument. See Guidelines 15126.4(a)(2) (requiring that mitigation measures be fully enforceable though legally binding instruments). Indeed, the 1998 MND required that AWS replacement habitat be preserved in perpetuity. There is no reason why the mitigation measure was watered down to exclude this requirement, particularly in light of the Zoo's history of questionable park stewardship. Absent stronger mitigation requirements, the Addendum's conclusion that impacts to the AWS are mitigated to less than significant levels is misplaced.

3. The City Has Failed to Adequately Mitigate Impacts to Seasonal Wetlands.

The project will pave over a 950-square-foot seasonal wetland that has formed at the crossroads of the fire road. The Addendum provides only conditional mitigation for this impact since it asserts that the water feature has "limited habitat value." SMND/A at 3.3-42. Specitically, Mitigation Measure BIO-1 requires the Zoo to mitigate this impact by providing a minimum of 1:1 replacement for this seasonal wetland, but only if the Regional Water Quality Control Board takes jurisdiction over it. To the extent the wetland's habitat value is diminished, however, it is due to the Zoo's careless grading of the tire road. These grading activities are described in greater detail in the letter submitted by Friends of Knowland Park under separate cover. In any event, because the wetlands habitat value would likely be greatly enhanced had the Zoo been a

better steward of this resource, die Zoo should, at the very least, commit to 1:1 mitigation regardless of whether the Regional Board determines that it is subject to regulation under state law.

4. The City Has Failed to Adequately Mitigate Impacts to Native Grasslands.

The project would result in adverse impacts to approximately 8.5 acres of native grasslands, which are considered sensitive habitat. SMND/A at 3.3-40. The Addendum recognizes that this impact is significant but fails to impose mitigation that will ensure that these impacts are reduced to less than significant levels.

The Addendum relies on Mitigation Measure i3a, which calls for future preparation of a Habitat Enhancement Plan ("HEP"). Specitic measures in the HEP describe the identification of historic grasslands in Knowiand Park and their enhancement through the removal of invasive species and planting with native species. *Id.* However, the Addendum fails to provide any specitics about how this mitigation is to be achieved, deferring the details to an undisclosed future date. To ensure that this mitigation can be achieved, the document should have specitied whether there is an adequate amount of historic grassland within Knowiand Park to accommodate the i7-acre mitigation area on-site. Plus, the mitigation measure will still result in a net loss of grasslands; the Addendum fails to explain how preserving 17 acres of existing grasslands that are currently used for habitat purposes will actually result in mitigation. Furthermore, the mitigation area should be protected from future fuel management activities and preserved in perpetuity by placement in a conservation easement or other such binding instrument. Absent that, the Addendum's conclusion that impacts to the native grasslands are mitigated to iess than significant levels is incorrect.

5. The Addendum Fails to Analyze Impacts from Overnight Camping.

The Addendum completely overlooks impacts to oak woodlands and other biological resources that would result from implementing the overnight camping component of the project. The new overnight camping area would be located in a wooded area dominated by oaks. SMND/A at Figure 2-5. The camping area would entail canvas tents on wooden platforms and would accommodate up to 100 people. SMND/A at 2-22. The document appears to assume that because no oaks would be removed in this area, there would be no impact. Not so. For example, construction and installation of the platforms, composting toilets and fire rings would result in disturbances to the understory, which could encourage establishment of non-native

species. In addition, the introducfion of large groups of campers to this habitat would likely result in trampling that could damage root systems, which in tum renders the trees vulnerable to disease. The project would therefore result in a much higher loss of trees than identified by the Addendum. The SEIR must include analysis of these significant impacts.

6. The Addendum Fails to Analyze and Mitigate Impacts Related to Sudden Oak Death.

Sudden Oak Death is a forest disease which is responsible for the deaths of millions of oaks and tanoaks in California. SOD has recenfiy been reported in Knowiand Park and is affecting bay laurel leaves. *See* Letter from Matteo Garbelloto, UC Berkeley, dated March 13, 2011, submitted imder separate cover. Constmction and operation of the proposed Master Plan would result in movement of soil and heavy equipment that could spread SOD to the Park's oaks. The Addendum fails to mention, let alone analyze or mitigate, these potentially adverse impacts.

C. The Addendum Fails to Adequately Analyze Visual Impacts.

From a aesthetic perspective, the proposed project represents a vast departure from the 1998 Master Plan. The Califomia Interprefive Center will be two stories taller and four times larger than the approved structure. The Addendum's visual simulations indicate that the Interpretive Center will protrude above the ridgeline significantly altering views from the trails and fire road in Knowiand Park above the project site. Addendum, Figure 3.1-3a. Furthermore, in contrast to the 1998 Plan, most of the animal exhibits and visitor areas have been moved up the hill so that they are visible to neighbors and Knowiand Park users.

The document attempts to minimize these changes to the visual character and concludes only that the project "would reduce the extent of visible open grasslands." *Id.* at 3.1-7. However, as made clear by the visual simulations, park users would experience prominent views of the massive Interpretive Center structure, roadways and fencing in lieu of the existing undeveloped open space. The result of these changes are a significant change to the visual character of the area, which would be a significant impact lo the public using Knowiand Park for recreafion. The Addendum suggests that these views, because they are not scenic vistas, do not warrant protection. Quite the contrary, an adverse impact on scenic views enjoyed by the public is a significant impact under CEQA. *See Ocean View Estates* v. *Montecito Water Disi.* (2004) 116 Cal.App.4th 396, 402.

The proposed design also confiicts with OSCAR Policy OS-10.1, which "protects existing scenic views in Oakland, paying particular attention to (a) views of the Oakland Hills from the flatlands; ... and (d) panoramic views from . . . hillside locations." OSCAR at 2-65. No amount of screening can disguise the fact that the project will alter the existing ridgeline and degrade the existing views from the Oakland flatlands and hillsides. The OSCAR policy explains that these views should be protected by a combination of height limitations and proper management of park and open space. *Id.* Here, the OSCAR clearly calls for a scaling back of the Interpretive Center and other large hillside structures. Because the City ignores this admonition, the project is inconsistent with this policy and represents new, significant impacts to views from public parklands.

The gondola system will be visible from surrounding neighborhoods and the 580 freeway. Yet, as discussed above, the Addendum fails to analyze impacts from lighting in the gondola cars and corresponding receiving area at the California Interpretive Center during night time use of the system. Addendum at 3.1-28. Therefore, the document fails to analyze impacts to views and adjacent uses from night lighting and glare.

Finally, the visual simulations fail to capture all aspects of the project. The new emergency plan, for example, calls for grading and constructing a 20- to 30-foot wide fire road from Snowdown Avenue. Yet these "improvements" are not shown on the simulations. Furthermore, although the Addendum concedes that the project would "reduce the extent of visible grasslands," the visual simulations fail to show what this loss of grasslands would actually look like.

D. Traffic, Air Quality, and Noise Analyses Are Inadequate.

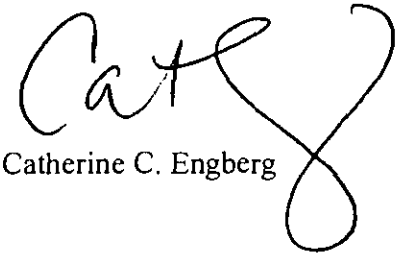
The artificially low base attendance figures used to project future Zoo attendance after Master Plan build-out also implicate other analyses in the MND. The analysis of air quality, greenhouse gas emissions, traffic and noise are all based on base attendance figures and related attendance projections. Inasmuch as the baseline attendance figures are distorted, related analyses also underestimate project-related impacts. For this reason, any revised documentation must include a revised analysis of project-related air quality, greenhouse gas emissions, traffic and noise.

IV. Conclusion

For all of the foregoing reasons, we respectfully submit that the Planning Commission cannot lawfully approve the Project as currently proposed. The Project should be redesigned in a manner that is consistent with the City General Plan. Moreover, before the City may lawfully approve the project, it must prepare a new EIR or SEIR that analyzes, mitigates and proposes alternatives to reduce the project's significant environmental impacts.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Catherine C. Engberg

cc: Ruth Malone, Friends of Knowland Park

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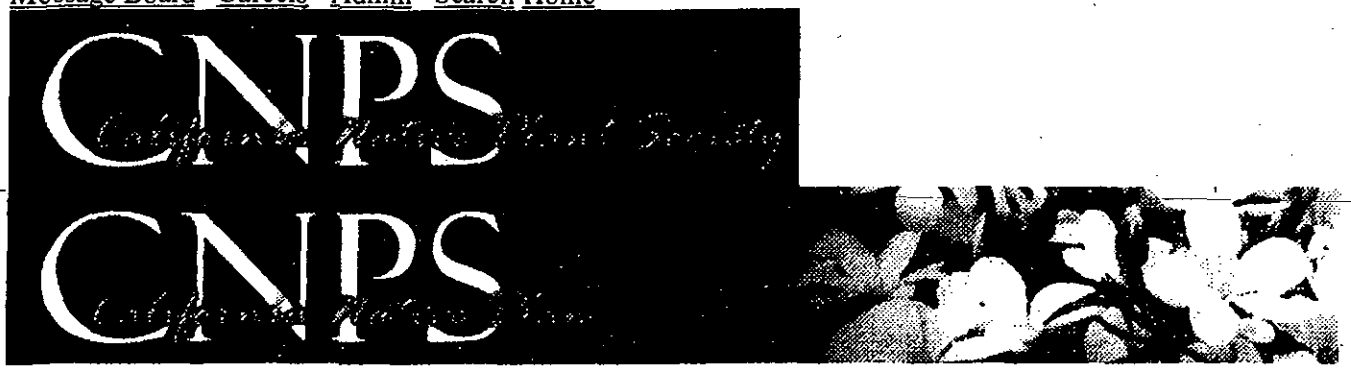


Rare Plant Program

The CNPS Ranking System

CNPS Lists

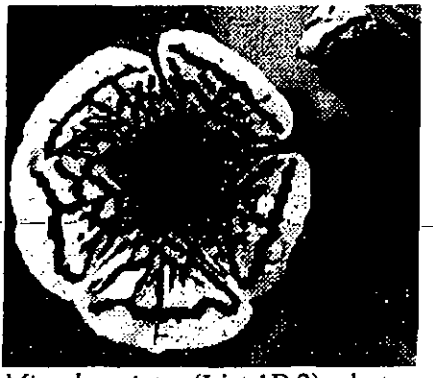
CNPS has created five "lists" in an effort to categorize degrees of concern. Please see the Online Inventory for information about the number of plant taxa in each category and for more information about the species tracked as rare by CNPS. The CNPS lists are described as follows:

List 1A: Plants Presumed Extinct in California

Astragalus pycnostachyus var. *lanosissimus* (Rediscovered in 1997- now on List 1B.1), photo by Nick Jensen 2006

EXHIBIT A

The plants of List 1A (less than 30 taxa) are presumed extinct because they have not been seen or collected in the wild in California for many years. This list includes plants that are both presumed extinct in California, as well as those plants which are presumed extirpated in California. A plant is extinct in California if it no longer occurs in or outside of California. A plant that is extirpated from California has been eliminated from California, but may still occur elsewhere in its range.



Mimulus pictus (List 1B.2), photo by Lara Hartley 2006

Plants are placed on List 1A in an effort to highlight their plight and encourage field work to relocate extant populations. Since the publication of the fifth edition (1994), eight plants thought to be extinct in California have been rediscovered. These are Ventura marsh milk-vetch (*Astragalus pycnostachyus* var. *lanosissimus*), San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*), diamond-petaled California poppy (*Eschscholzia rhombipetala*), Mojave tarplant (*Hemizonia mohavensis*), water howellia (*Howellia aquatilis*), Howell's montia (*Montia howellii*), northern adder's-tongue (*Ophioglossum pusillum*), and Shasta orthocarpus (*Orthocarpus pachystachyus*). The successful rediscovery of several List 1A plants is encouraging and CNPS hopes that it will motivate professional and amateur botanists alike to search for and rediscover more List 1A species.

All of the plants constituting List 1A meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Sees. 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing. Should these taxa be rediscovered, it is mandatory that they be fully considered during preparation of environmental documents relating to the California Environmental Quality Act (CEQA).

List 1B: Plants Rare, Threatened, or Endangered in California and Elsewhere

The plants of List 1B are rare throughout their range with the majority of them endemic to California. Most of the plants of List 1B have declined significantly over the last century. List 1B plants constitute the majority of the plants in CNPS' Inventory with more than 1,000 plants assigned to this category of rarity.

All of the plants constituting List 1B meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Sees. 2062 and 2067

(California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing. It is mandatory that they be fully considered during preparation of environmental documents relating to CEQA.

List 2: Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

Penstemon janishiae (List 2.2), photo by Cheryl Beyer

Except for being common beyond the boundaries of California, the plants of List 2 would have appeared on List 1B. From the federal perspective, plants common in other states or countries are not eligible for consideration under the provisions of the Endangered Species Act. Until 1979, a similar policy was followed in California. However, after the passage of the Native Plant Protection Act, plants were considered for protection without regard to their distribution outside the state.

With List 2, we recognize the importance of protecting the geographic range of widespread species. In this way we protect the diversity of our own state's flora and help maintain evolutionary process and genetic diversity within species. All of the plants constituting List 2 meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Sees. 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing. It is mandatory that they be fully considered during preparation of environmental documents relating to CEQA.

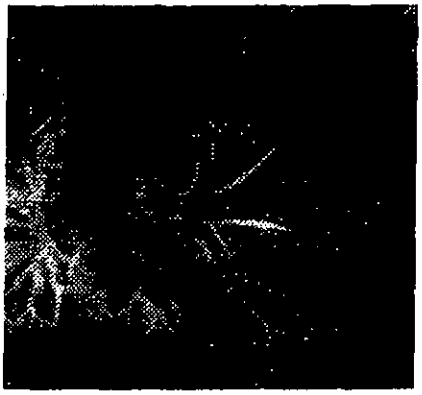
List 3: Plants About Which We Need More Information - A Review List

Salvia dorrii var. *incana* (list 3), photo by Steve Matson 2006

The plants that comprise List 3 are united by one common theme - we lack the necessary information to assign them to one of the other lists or to reject them. Nearly all of the plants remaining on List 3 are taxonomically problematic. For each List 3 plant we have provided the known information and then indicated in the "Notes" section of the Inventory record where assistance is needed. Data regarding distribution, endangerment, ecology, and taxonomic validity will be gratefully received by e-mailing the Rare Plant Botanist at asims@cnps.org or (916) 324-3816.

Some of the plants constituting List 3 meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Sees. 2062 and 2067 (Californiia Endangered Species Act) of the Californiia Department of Fish and Game Code, and are eligible for state listing. We strongly recommend that List 3 plants be evaluated for consideration during preparation of environmental documents relating to CEQA.

List 4: Plants of Limited Distribution - A Watch List



Phacelia exilis (List 4.3), photo by Lara Hartley 2005

The plants in this category are of limited distribution or infrequent throughout a broader area in Californiia, and their vulnerability or susceptibility to threat appears relatively low at this time. While we cannot call these plants "rare" from a statewide perspective, they are uncommon enough that their status should be monitored regularly. Should the degree of endangerment or rarity of a List 4 plant change, we will transfer it to a more appropriate llst.

Very few of the plants constituting List 4 meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Sees. 2062 and 2067 (Californiia Endangered Species Act) of the Californiia Department of Fish and Game Code, and few, if any, are eligible for state listing. Nevertheless, many of them are significant locally, and we strongly recommend that List 4 plants be evaluated for consideration during preparation of environmental documents relating to CEQA. This may be particularly appropriate for the type locality of a List 4 plant, for populations at the periphery of a species' range or in areas where the taxon is especially uncommon or has sustained heavy losses, or for populations exhibiting unusual morphology or occurring on unusual substrates.

Threat Ranks

The CNPS Threat Rank is an extension added onto the CNPS List and designates the level of endangerment by a 1 to 3 ranking, with 1 being the most endangered and 3 being the least endangered. A Threat Rank is present for all List 1B's, List 2's and the majority of List 3's and List 4's. List 4's may contain a Threat Rank of 0.2 or 0.3; however an instance in which a Threat Rank of 0.1 is assigned to a List 4 plant has not yet been encountered. List 4 plants generally have large enough populations to not have significant threats to their continued existence in Californiia; however, certain conditions still exist to make the plant a species of concern and hence be placed on a CNPS List. In addition, all List 1A (presumed extinct in California), and some List 3 (need more

information) and List 4 (limited distribution) plants, which lack threat information, do not have a Threat Rank extension.

Threat Ranks

- 0.1-Seriously threatened in California (high degree/immediacy of threat)
- 0.2-Fairly threatened in California (moderate degree/immediacy of threat)
- 0.3-Not very threatened in California (low degree/immediacy of threats or no current threats known)

Where did the RED Code go?

California Native Plant Society 2707 K Street, Suite 1 • Sacramento, CA 95816-5113
(916) 447-2677 • fax (916) 447-2727 • cnps@cnps.org

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Attachment 9:

Letter from Golden Gate Audubon Society, dated March 15, 2011

RE: AMENDMENT TO OAKLAND ZOO MASTER PLAN

THE ATTACHED PUBLIC COMMENTS WERE RECEIVED AFTER THE PREPARATION OF THE MARCH 16, 2011, PLANNING COMMISSION STAFF REPORT AND AFTER THE DISTRIBUTION OF THE ADDITIONAL PUBLIC COMMENTS ON MARCH 15, 2011. THESE COMMENTS ARE BEING DISTRIBUTED TO THE PLANNING COMMISSION AND BEING MADE AVAILABLE TO THE PUBLIC AT THE MARCH 16, 2011, HEARING.

inspiring people to protect
Bay Area birds since 1917

March 15, 2011

Via U.S. Mail and Email
Darin Ranelletti, Planner III
City of Oakland, Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California, 94612
Fax: 510-238-6538
E-mail to draneileni@oaklandnet.com

Re: Project # CM09085/CP09078/ER09005; Amendment to Oakland Zoo Generat Plan, Mitigated Negative Declaration

Dear Mr. Ranelletti:

I am writing on behalf of the Golden Gate Audubon Society to provide comments on the *'Amendment to Oakland Zoo Master Plan: Subsequent Mitigated Negative Declaration/Addendum* ("Mitigated Negative Declaration" or "MND") issued for the proposed expansion of the Oakland Zoo. Golden Gate Audubon's mission is to protect wildlife and their habitats in the Bay Area and to connect Bay Area residents with nature. For more than 90 years, Golden Gate Audubon's members have used and enjoyed the natural and open space areas of the East Bay, including Knowland Park.

Golden Gate Audubon's East Bay Conservation Committee has struggled with this matter for nearly a year. On one hand, Golden Gate Audubon advocates for protecting open space and habitats in the Bay Area and is uncertain of the quality of environmental review conducted for the project in 1998. On the other, Golden Gate Audubon sees value in the proposed expansion to engage the public and provide an important educational resource about the value of wildlife and habitat conservation in the Bay Area. Frankly, were this any other applicant or any other project, the Conservation Committee would be inclined to oppose this expansion into open space.

However, given that the proposed expansion will focus on native California animals and their conservation needs and given the proposed minimization and mitigation measures, the Conservation Committee has elected to not oppose the project at this time. Instead, we will provide comments regarding the proposed Mitigated Negative Declaration in the hopes that the final project will be improved to reduce impacts to wildlife, habitats, and the natural aesthetic values of the site. We encourage the Zoo to consider these comments and to work with other groups, including the Sierra Club, the California Native Plant Society, and the Friends of Knowland Park, to address concerns and improve the overall project.

GOLDEN GATE AUDUBON SOCIETY
2530 San Pablo Avenue, Suite G Berkeley, California 94702
phone 510.843.2222 fax 510.843.5351 web www.goldengateaudubon.org

I. Concerns Regarding the Mitigated Negative Declaration

A. The Baseline for the Project Should be Current Conditions, Not the Hypothetical Impacts Identified in the 1998 Master Plan.

Throughout the Mitigated Negative Declaration (MND), the authors compare the estimated impacts from the project as current planned with those identified in the 1998 Master Plan. Golden Gate Audubon believes the MND would be improved by assessing the significance of the impacts (and providing appropriate minimization and mitigation measures) based on current conditions at the site. We believe that the document is weakened by its reliance on the 1998 environmental review, which may not have been fully adequate or applicable to current conditions, especially when considered with cumulative impacts from surrounding areas.

B. Tree Removals Should Be Minimized and Should Avoid the Bird Breeding Season.

The MND does not provide an adequate description of how tree removals will be minimized nor does it provide assurances that trees will not be removed during the bird breeding season (March 1 – July 31 of each year). It is not adequate to simply conduct some surveys (the methods of which are not included in the MND). Rather, the project should simply avoid all tree removals during the bird breeding season and seek to reduce impacts to birds during other parts of the year.

Mere replacement of mature trees with new plantings does not futly mitigate impacts from tree removal. Mature trees provide more habitat, including broader canopy, acorn production, and cavities and snags which are used by birds and other wildtife. Where possibte, trees with cavities or snags should be left remaining. if trees with snags or cavities are removed, replacement habitat should be created. The MND does not currently address this issue adequateiy.

C. Waste and Trash Control

With the increase of visitors to the area that will result from this project, it is very likely there will be a subsequent increase in trash and food refuse. Food waste attracts many "pest" species, including rats, raccoons, feral cats, crows, and ravens, which in turn can have significant negative impacts on local wildlife populations. The MND does not appear to address this issue adequately.

D. Native Plants Should Be Planted and Maintained

The MND states that native plants will be planted in upper Knowiand Park and in other areas as part of the habitat management plan. It is not clear from the MND whether the Zoo is committing to not only planting native plants but also ensuring that they survive in the area. Any mitigation must include long-term management to ensure that the

replacement habitat and other mitigations thrive and meet the goal of offsetting impacts from the project.

E. Golden Gate Audubon Recommends that the Aerial Tram Be Avoided.

Golden Gate Audubon knows that some community members have proposed that the Zoo replace plans for an aerial tram with some form of land-based transit (e.g., a shuttle or rail car). We encourage the Zoo to consider the options because it will (1) result in fewer impacts to birds, (2) be more economicat, and (3) better maintain the area's natural aesthetic values.

F. Lighting

The introduction of night-lighting into portions of the open space that were heretofore dark will create additional impacts that are not adequately addressed in the MND. The introduction of artificial light into a natural landscape can have negative effects on wildlife, including the alteration of breeding and foraging behaviors, predator-prey relationships, and nest predation in birds. We ask that the document be revised to consider these impacts and propose mitigations as necessary.

Thank you for your consideration of our comments. If you would like to discuss this matter further, please do not hesitate to contact me at (510) 843-6551 or mtynes@goldengateaudubon.org.

Sincerely,

Michael Lynes

Michael Lynes
Conservation Director

Attachment 10:

Comments submitted by Friends of Knowland Park, dated April 27, 2011

Friends of Knowland Park
http://www.saveknowland.org
Ruth E. Malone, Co-Chair
Friends of Knowland Park
10700 Lochard Street
Oakland, California 94605

April 27, 2011

Darin Ranelletti, Planner III
City of Oakland
Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California 94612

RESPONSE TO CITY/ZOO COMMENTS POST MARCH 16, 2011 PLANNING COMMISSION MEETING

Dear Mr. Ranelletti,

Friends of Knowland Park would like to officially submit this letter with regard to the Amendment to the Oakland Zoo Master Plan. This letter will discuss the city/zoo responses prepared following the March 16, 2011 Planning Commission Meeting.

Type of Environmental Document

We are disappointed to find that Planning Staff have again declined to prepare a Full Environmental Impact Report as required under the California Environmental Quality Act.

First, no full EIR was prepared for the previously approved project, only a Mitigated Negative Declaration. However, given that the Zoo is now proposing a project dramatically different in both elements and configuration, CEQA section 21166 clearly provides for preparation of an EIR if:

(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

As stated in our previous comments and those of other environmental groups, all these conditions pertain here.

Clearly, the very fact that the "Subsequent Mitigated Declaration Addendum" (SMND/A) has now grown to encompass nearly 1300 pages of materials itself suggests that city staff recognize that the substantial changes in the project did indeed call for major changes to the Mitigated Negative Declaration.

Multiple changes in the circumstances under which the proposed project would be undertaken have occurred. These include but are not limited to: Increased traffic on the adjacent freeway and roads; inconsistencies with the city's Open Space, Conservation and Recreation (OSCAR) portion of the General Plan, which was adopted post 1998; discovery and development of knowledge about Sudden Oak Death and the loss of witdlife and native plant habitat in the intervening 13 years due to additional development.

New information has become available. Specifically, this includes the documented presence of the endangered Alameda Whipsnake on the expansion site as well as the development of tools for measuring the effects of habitat toss on existing wildlife, among others.

Regrettably, the City's response to previous public comments is inadequate and even dismissive of serious environmental concerns. The staff report states (P.9) that "No new mitigation measures are required to reduce a potentially significant impact," yet proposes numerous new mitigation measures different from those adopted in 1998, creating confusion for the public. The City's response is simply not credible and suggests bias and abuse of discretion in evaluating the pubtic comments.

It defies common sense to claim, as the City does, that what was previously approved as a one-story, 'low profile' 7500 square foot visitor center structure and is now proposed to be a 34000 square foot 3-story interpretive center, restaurant, gift shop and offices, plus an additional 1100 square foot deck and including a 30 foot service road addition and relocated into a much more sensitive area in terms of native plant communities is a "minor technical change."

It defies common sense that adding an aerial gondola in an area subject to seasonal earth movement and seismic disturbance is a "minor technical change."

It defies common sense to claim, as the City does, that the addition to the project of a campground featuring ten 10X20 foot platform tents to serve up to 100 people at a time in an area of sensitive oak woodlands is a "minor technical change."

It defies common sense to claim, as the City does, that the addition of a new 17000 square foot veterinary hospital not part of the previousty approved proposal and located near a creek drainage is a "minor technical change."

Environmental Baseline

The SMD/A inadequately considers the potential impact of the project on existing environmental conditions in numerous ways. Most of these have already been mentioned in previous comments, and remain inadequately addressed. Notably, the SMD/A and the Response to Public Comments both omit comprehensive anatysis of the project's impact on existing wildlife habitat, local wildlife populations as a whole, and changes in the amount of wildlife habitat in the city since 1998. These aspects are material to considering the baseline conditions and the project's impacts.

Attendance projections

At several previous pubtic meetings, Zoo staff ctaimed the expansion would bring more than a million visitors a year to the Zoo. The staff response (p. 3) to the previous public comments about attendance projections used to calculate, among other things, traffic and air quality and climate change impacts, simply restates the previous analysis and provides no evidence whatsoever to refute the public's concern that the figures were "cherry-picked" to suggest a lower attendance for environmental purposes.

Lighting

We appreciate the correction provided to clarify that indeed—contrary to the SMND/A's assertion that there will be "no night lighting" of the proposed gondolas, the gondolas will in fact have night lighted interiors and will be used to bring visitors to night events at the proposed interpretive center.

Reconfiguration of Animal Exhibits

The City's response ignores the environmental impacts of the wholesale relocation of animal exhibits, buildings, walkways, etc. over the ridgeline to the eastern portion facing the remaining Parklands. Thus it treats the Park as a mere backdrop to the Zoo, as opposed to a Park in its own right.

Aesthetics

One need not expect a visual simulation analysis to show "every possible viewpoint." However, the City has not provided evidence to counter the comment that the simulations are misleading and inadequate for the public to be able to determine the true effects of the project on the aesthetic environment. The City's OSCAR portion of the General Plan explicitly refers

to "views," not "vistas," yet the City response continues to assert that only distant views are to be considered. This is contrary to the facts of the City's own policy.

The City response (p. 5) also includes a deliberately misleading statement which we can only assume has been provided by the Zoo to City Staff and mis-represented as the Staff's own viewpoint, namely the characterization of the Friends of Knowland Park (FoKP) slide of the visual simulation of the Interpretive Center as "manipulated." This statement should be clearly attributed to Dr. Parrott, who made this false claim during a meeting at the Planning and Zoning conference room with the Zoo, Planning and Zoning Staff, and Friends of Knowland Park leaders. Furthermore, the visual simulation used by FoKP at the Planning Commission meeting was not used as a demonstration of the public viewpoint; rather it was submitted as proof that the proposed interpretive center building breaks the continuity of the ridgeline, and as such is in violation of the Oakland General Plan and OSCAR, which calls for protection of ridgelines from development. The outside edge of the simulation photo was cropped to demonstrate more clearly what will be seen by the public, but this can also be seen in the uncropped version which was developed by Zoo consultants.

The use of the word "manipulated" also appears intended to imply that FoKP somehow tampered with the image, and falsely indicates that the image was "expand[ed]", which it was not. The exterior frame of the image was simply cropped for the reasons stated above. Nothing else was done to this image and to suggest otherwise appears to be a transparent effort to discredit project opponents, hardly worthy of City staff The public deserves to have the record corrected and this biased statement retracted.

In addition, claiming that this image of the building will not be visible to anyone, when it is taken straight out of the visual simulation provided by the Zoo, defies belief The building is on the ridgeline and the image of the ridgeline and building is *identical* in every respect to that which appears in the Zoo simulation, so it is patently false to claim it will not be visible.

The City's response provides no further evidence to support the claim that the location of the project in Knowland Park would not substantially degrade the character or quality of the Park. We have previously submitted evidence showing clearly how it would do so. Misleadingly, given that City staff are most certainly aware that most of the remaining Park is inaccessible from the western and most valued portion of the parkland, the Response suggests that because 278 acres of open space would remain, "the project would not have a dominant presence in the whole of Knowland Park."

This entirely ignores the reality that Knowland *as used* is two separate parks, divided by a roadway, creek, and impenetrable brushlands, and the western portion is the most used and most beloved. This portion will have a much smaller open area remaining. At hearing after hearing, Park users have emphasized the importance of the tranquil view and quiet character of

the park itself as seen from the mesa area, which *directly faces* the proposed expansion across a small vale. As previously documented, Knowland Park is scenic in itself, offering Park users the opportunity to escape from the urban landscape and be transported into an historical California experience of rolling hills and oak woodlands unblighted by any development whatsoever. The visual simulations obviously demonstrate a significant impact on the scenic beauty of the Park *itself*, a significant change from the 1998 project and a significant new impact not recognized nor mitigated. If this project is approved, *it will be impossible to walk around western Knowland Park without seeing and hearing the Zoo.* This is a fundamental change in the character of the park and will permanently alter peaceful enjoyment of it.

The widening of the existing fire road and addition of turnouts every 300 feet is falsely characterized as having no significant aesthetic impact "because the road is not part of a scenic vista." It is, however, right in the center of the scenic VIEW Park users most enjoy, and widening it to a virtual freeway right down the middle of the part of the Park where most visitors go is not "a small presence in an otherwise large and expansive park." The response seems intended to mislead those who are unfamiliar with the Park's actual configuration (west and east portions) and use patterns. The aesthetic impact to Knowland Park *as* a park would be devastating and would entirely change the character of the Park, yet NO genuine mitigation measures are proposed. "Dirt colored gravel" is laughable and indicates no interest whatsoever in preserving the beauty of the existing parkland for future generations to enjoy. Further, the City has failed to analyze the traffic increases in the natural habitat and experience inside the remaining open space parkland. Currently, traffic is limited to occasional security checks, seasonal grading, and the rare wildfire. The new uses of the modified EVA roadway could cause impacts on wildlife and alter the hiking, birding, picnicking, biking, and other recreational opportunities in the Park areas adjacent to the EVA road. Altering the gravel color does nothing whatsoever to mitigate the land use and wildlife impacts.

Biological Resources

It is dismaying to see that the City's response to concerns raised about Biological Resources continues to fail to provide sufficient detail to address the overall and cumulative environmental impacts of the project. There is still no comprehensive analysis of existing wildlife populations that currently use the site as habitat and how they will be affected, only discussion of a few types of wildlife and plants considered in isolation from one another, rather than as ecosystems. The response also continues to assume that it is possible to "re-create" natural plant and animal communities as mitigation, which it is not. Such communities are complex and interrelated systems right down to the soil microorganisms. The SMND/A and additional staff comments fail to acknowledge this and thereby fail to produce an environmental document consistent with the state of ecological knowledge in the 21st century.

We have already provided comments on the Alameda Whipsnake. However, we do note again that the city has failed to make mitigation measures enforceable through legally binding

instruments, suggesting that it has not taken steps to ensure the measures will be adequaleiy implemented. The proposed interpretive center should be scaled down and moved into an area closer to ils previous location and not located anywhere adjacent to chaparral habitat. Given that the location of the interpretive center has yet to be determined, based on the need for permit approvals from the US Fish & Wildlife Service and the California Department of Fish and Game, the public is being denied the right to make comments on its final location. The approvals from these agencies should be obtained PRIOR to final project approval so that the public has the opportunity to review the location and make comments.

The mitigation measures proposed for protecting the bristly leptosiphon remain inadequale to protecting such a liny plant. One need only visit any animal enclosure at the exisling Zoo to see thai assuming such a plant can survive within one is based on assuming that the wolves do not actually use the enclosure area.

Grasslands and Habilal Enhancement Plan mitigation measures are meaningless without the requirement of an endowment to provide funding for such activities. This suggesls that the Cily has nol established legally binding policies to ensure the mitigation measures would actually be implemented. While the City's response claims that "failure to properly implement the mitigation measures is subject to enforcement actions by the City," there is no evidence whatsoever that such actions ever have been taken to either monitor or enforce existing invasive plant removal measures required under the 1998 agreement, raising a "reasonable person" argument that such enforcement is lax or absent.

Has the City ever examined the Zoo's annual assessments of the species and distribution of invasive nonnalive weeds, including maps, *that were required under the 1998 MND mitigation measures?* Il would seem that these should have been submitted as evidence of the Zoo's implementation of mitigation measures. Invasive species are being spread by the Zoo and ils activities in Knowland Park. The Staff report and the SMND inaccurately state the extent of invasive species.

For example, the "Vegetation Cover and Disturbance Areas Map" (Add 3.3-1) in the SMND/A shows only some French Broom infestation, but il is not accurate. French Broom has marched inlo significantly more and larger areas than what Swaim Biological depicts on their map and the Staff Report (on Page 72) clearly contradicts the Swaim map, showing the "native grasslands in the vicinity of the proposed bison/tule elk enclosure that is being overtaken by French broom (shrubs with yellow flowers)". A proper study—or even a simple visual examination of the site—would show that the density of French Broom has been greatest in the areas adjacent to the Zoo, and least dense as one moves farther away from the Zoo.

City resource constraints exacerbate this concern. Dr. Parrott himself, in a recent radio interview (April 21, 2011, KQED Forum), emphasized the very costly nature of such invasive species removal activities and how that limits the Zoo's ability to carry them out. Establishment

of a designated funding source would be an effective measure to ensure that these mitigations are not merely words on paper (as, apparently, were the other commitments made in 1998 to the community groups that negotiated the previous and very different project plans).

Seasonal Wetland

The seasonal wetland, located in the expansion area, formed at the base of several slopes and contrary to City claims, was not simply a result of road grading. Water did drain slowly from it into adjacent grasslands until, in spring 2009, the 60 foot downhill channel was ploughed, obliterating the wetland--as previously documented and reported to the Creeks Division and to Planning on multiple occasions. This work was done at the behest of the Zoo following a community meeting at which the existence of the wetland and frog breeding area was raised.

FoKP discussed the 950 square foot seasonal wetland issues and other water-related issues raised by the project with Brian Wines of the state Water Resources Control Board. Water Resources Control Board staff were concerned about the previous grading within the project area, saying they thought that perhaps this action could constitute a violation of state and federal law. Mr. Wines also characterized as "*inadequate and slipshod*" the SMD/A's description of the areas of potential state water agency jurisdiction, and said "you can quote me on that." This raises serious questions for the public about the adequacy of the mitigation measures for *all* hydrology-related aspects of the project, including the location of the veterinary hospital near a creek drainage and the measures proposed to deal with that. The Water Resources Control Board should review and approve ail proposed mitigation measures before the finat project approval is granted.

Finally, the use of existing Knowland Park land as mitigation for the taking of other Knowland Park land is unacceptable.

Snowdown Emergency Access Road

To claim, as the City does, that widening the fire road to 20 feet with turnouts, with the concomitant loss of plants and animal habitat, is an improvement to the Park and its natural resources because widening the road will reduce the spread of weed seed from truck tires, is just ridiculous on its face. By this logic, it would also be an improvement to make the road even wider and pave it. The Zoo's use of mechanical invasive species removal measures, which disturb the soil and distribute seeds, and its failure to retrieve French Broom seeds carefully bagged for removat in a timely way are a far greater threat in terms of weeds and this is nowhere acknowledged or addressed despite documentation submitted previously.

Trees—Overnight Camping Area

The City's response claims that the 11 raised tent platforms and camping area "would not result in any severe damage". However, *severe* damage is not necessary to render oaks more vulnerable to disease and death. The repeated activities of 100 persons around these mature trees will have significant effects on the health of these magnificent oaks and these effects have not been adequately mitigated. Comparing the construction of permanent platforms all around the oaks with the activities of cattle in open space ignores the effects of such permanent, impervious platforms on water, soil temperature and general soil health, etc. The accompanying diagram showing the location of trees in the camping area does not adequately convey the size of the trees' spread or root systems nor does it accurately portray the size and shape of the proposed platforms.

Trees—Sudden Oak Death

We are pleased to see that the City now recognizes Sudden Oak Death (SOD) as a factor thai should be addressed, since it was entirely absent previously from all environmental documents. These trees belong to ail of Oakland and should not be damaged in order to build an "edutainment" complex. It is shocking, considering the oak is Oakland's signature tree, that no comprehensive assessment of the presence of SOD has been completed as part of this reporting and as part of the environmental baseline appraisal. This should be done before project approval since it is impossible to determine with accuracy what the existing environmental conditions are with respect to SOD in the absence of such an assessment.

The additional measures proposed for mitigation in future should be completed before ANY construction proceeds on this project, not merely those "*associated with the California exhibit.*" The proposed veterinary hospital, with its hydrology issues, could well have impacts on the spread of SOD in the adjacent creek drainage, where there are stands of oak trees that could be affected by construction and water diversion measures. The construction of perimeter fencing likewise is likely to have impacts. Details about restrictions on movement of plant and soil material should be developed *prior* to approval of the project. Further, the footnoted small print caveat provided at the top of page 8, which presumably also applies to the SOD provisions, renders all these provisions completely pointless, since anyone can argue that any measure is too hard, too expensive, or would take too long. This provision clearly suggests unwillingness on the City's part to take adequate steps with enough teeth to ensure that the mitigation measures it says will be required will actually be implemented.

Again, an endowment dedicated to implementation of the SOD mitigation measures should be required in order to ensure these very expensive measures are properly completed.

Global Climate Change

The comments still do not explain the apparent discrepancy in GHG emissions for annualized vegetation that we identified in our previous comments. According to the ENVIRON Report, the 390 ton figure is the total one time CO2 emissions attributable to the *net change* of vegetation, (which is defined as and therefore includes BOTH added CO2 emission from biodegradation of removed vegetation and the CO2 sequestration potential of new plantings). The City's comments do not reflect this but mischaracterize it as only representing the increased CO2 resulting from removal of vegetation. However, since the 274 tons of CO2 that are then subtracted from the 390 tons were *already included in that figure,* the 274 tons are counted twice, resulting in an overestimate of sequestration potential. Without this overestimation, CO2 emissions from the project would reach well above the threshold of 1100 metric tons.

The comments also include no response to the need for independent verification of the acreage types for sequestration potential. Since the Zoo has a vested interest in building the project it prefers, these acreage types should be independently verified before the project is approved, because the climate change calculations are based upon them.

Land Use, Recreation and Planning

Perimeter Fence Wildlife Claims

The perimeter fence is described as having "animal-friendly undercrossings" to allow passage of wildlife, but Dr. Parrott has repeatedly emphasized in public meetings the necessity of fencing 'protected open space' in the project to keep out feral dogs and cats. The nature of a fence capable of discriminating between wildlife and feral dogs and cats is unknown. In any case, there is no question that the fencing of such a large area of current wildlife habitat will have massive effects on the wildlife which are not adequately addressed, nor are the effects on neighboring communities of further squeezing wildlife into a smaller portion of the Park.

Recreational Buildings in City Parks

The interpretive center and veterinary hospital, contrary to the City's assertions, are *not* being constructed "in accordance with an *adopted* master plan," hence the need for the new approval, which would obviously not be needed if they were. However, while the City claims that in any case, it is not feasible to locate these services outside the Park, it is in fact quite feasible to locate offices in their current locations or in other buildings within the existing Zoo footprint since they are not required for new staff and this could potentially reduce the impact of the project by reducing the size of the building. There is no reason that offices need to be located in the interpretive center. Offices could more easily be located adjacent to the new Vet Hospital Facility, and these would be more central to the Zoo as a whole, closer to the existing office

building, closer to the Veterinary Staff, and thus would offer better management characteristics for the office space.

Noise

We note that 3 additional noise assessments have been completed. However, these assessments appear to have been deliberately selected to maximize ambient freeway noise. To date, *no noise assessments from the quiet upper-mesa area facing the proposed expansion area have been completed.* This is the area where most park users currently experience the tranquility of the Park. Regular Park hikers are well aware that at least two of the three measurement points in the new assessments are quite noisy, due to topography of the site. These assessments do not allow an accurate baseline for appraising whether there would be a significant *increase* in the ambient noise in the undeveloped portions of the Park. Further, the proposed relocation of almost all animal exhibits to the sloping land facing the remaining Park means that the sound will reverberate up the slope. It is also unclear whether the noise levels for operations used in the modeling include not just "human voices" but also the screaming typical of enthusiastic Zoo visitors. Noise levels within the existing Zoo on a busy weekend day should be measured and included into the model.

Transportation and Circulation

Cumulative Impacts from Other Large Projects

While the City states that the Holy Redeemer site is not in development, the City failed to mention the redevelopment of the nearly-defunct Foothill Square Shopping Center and its potential impact on traffic in the area. This should also be included in calculations, since traffic on and off the 106th avenue exit and down Malcolm will be affected.

Golf Links Road/I-580 Intersections

Given that many members of the community have expressed safety concerns regarding the current freeway offramps from both directions on busy weekends, when traffic backs up into the freeway lanes on blind curves, we believe that CalTrans should approve the mitigation measures for this project prior to its approval.

Zoo and City officials have failed to consider reasonable freeway access alternatives, such as direct freeway access to and from the Zoo.

Other Issues

Perimeter Fence

Fencing the entire area years before construction begins or funds are even available for constructing the proposed California Project is unacceptable, as it creates loss of public open

space with no concomitant gain of any kind. The Zoo could run out of money to build the project, decide to build something completely different yet again, or decide not to build at all, resulting in permanent loss of public open space. The entire perimeter fence should not be permitted to be constructed until and if the Zoo can show evidence that it is prepared to complete the entire project and the mitigation measures required. *At the very least, the fencing should be phased in according to the specific element phasing*, i.e. only fence in the necessary exhibit spaces, and gradually connect modules of perimeter fencing as the exhibit spaces phase in.

Alternative Concept

The Architect hired by the Zoo admitted in a meeting with Friends of Knowland Park that he had not been asked to consider any alternatives closer to the original approved Master Plan. In fact, the architect specifically stated that the elements and scope of the project the Zoo had asked him to design could not be achieved within the constraints of the 1998 Approval. Clearly this is evidence of major changes to the project, not "minor technical" ones, and represents a bait-and-switch strategy on the part of the Zoo.

Mischaracterization of Process of Community Input

The EBZS has indeed held community meetings over the past 3 years, but has steadfastly refused to make any substantial changes to the planned amendments. At the last Planning Commission and Parks and Recreation Commission hearings, most speakers supporting this expansion were Zoo staff/employees, Board members, or their families. We note, for example, that one Planning Commissioner asked the husband of the Zoo's development director (who has not identified himself as such in his comments to that point) to respond to the concerns about Park stewardship. White he has a right to his opinion as an individual, his obvious conflict of interest should be acknowledged and his objectivity as an authority on the Zoo's stewardship of parkland is questionable. For the record, members of the public have consistently opposed this expansion in its present form and called for a full EIR under CEQA.

Omissions in City Response to Public Comments

It is notable that despite submission of extensive photographic documentation, the City has ignored the evidence of the Zoo's poor stewardship of park resources, specifically dumping of construction materials and composting of animal waste at several locations—not merely the proposed Veterinary Hospital area-- in areas within the park where such dumping is not permitted by law. These matters are material to the consideration of whether the Zoo can indeed be expected to complete the required mitigation measures to reduce impacts to less than significant levels, and whether the City can be expected to enforce its own requirements. Has the City actually investigated these areas of dumping or merely accepted the Zoo's denials? No

evidence of such an investigation is presented, suggesting that the City has little interest in enforcing its environmental regulations in Knowland Park.

The response fails to address the existing agreement with neighbors to move the Service Road. This road, which was to be relocated under the old plan, is now proposed for use both during construction and after buildout—but without any of the mitigating landscaping and other measures agreed to when the road was previously to be relocated. This road's use is a change from the previously approved plan and will have major, unmitigated impacts on the neighbors whose yards are literally within feet of the road. This is a major unmitigated impact that has not been addressed.

Many Unanswered Questions

Our previous comments included many questions material to evaluating the project's environmental impact that remain unanswered by the City. Some of these are reprised here:

- Has the impact of the noise from the deck on the visitor center been accounted for in noise calculations?
- What are the quiet hours for the proposed campground? Will there be outdoor fire pits? Has noise from the campground been fully accounted for in the weekend noise analyses?
- The response does not explain adequately the need for such a large interpretive center and the compelling need for it to include office space, gift shop and restaurant that would justify locating such a large structure on the ridgeline in highly sensitive plant and wildlife habitat rather than in the previous location where there is more disturbed land.
- The multiple misleading simulations are not addressed.
- The response does not address the bizarre conclusion in the SMND/A that sources of air pollution only must be evaluated within a 1000-foot radius of the project site. Because the project is centered on the ridgetop, the report says the 1000-foot radius includes no freeways or roads, an obviously misleading claim that appears designed to obfuscate the fact that virtually every visitor coming to the Zoo to arrive at the proposed project will arrive via the 580 freeway which runs right next to the Zoo.
- The response does not address the lack of an accurate inventory of trees that will be affected by the project. This denies the public the right to understand this important aspect of the project.

- The response does not address the issues raised about parking on the grassy area near the entrance, including oil and gasoline from parked cars and soil compression. This is material because if issues arise and this area can no longer be used for parking, additional parking could be needed.

- The response does not address the question about Simulation 3.1-3b, which appears to show an area of water that does not show in the existing view, suggesting construction of a water feature outside the project boundaries that is not addressed in the proposed plan or the SMND/A.

- The response does not seriously address the conflict between land uses.

- The response does not address the project's continued dependence on utilities and the need for the project to incorporate such 21st century conservation measures as water reclamation.

- The response does not clarify the proposed perimeter fence and boundary inconsistencies and the fire road access. This makes it impossible for the public to adequately evaluate the proposed project's impact.

Process Issues

We note that even as of the date of this comment letter, the City of Oakland Planning Commission website has not been updated to reflect the names and contact information of the current Planning Commissioners. This has made it extremely challenging for the public and other environmental organizations to contact them to discuss concerns. FoKP volunteers have expended time providing this information to others after we tracked it down.

We reiterate that the inadequate time provided for public review of extensive project-related documentation, the lack of a "final project plan" accessible on the Planning website in any one place, the posting of enormous files as single pdfs so that download times are extended and finding information within them difficult, and many other procedural obstacles have interfered with and made it extremely challenging for public citizens to exercise their rights to information and participation in the public process. We note for the record that these issues have been raised repeatedly by other individuals and groups as well, both verbally at meetings and in writing. We also note that we have been told today by the City that we must provide at least 25 copies of our comments to the Planning Commission for the City to distribute to the public at the meeting. This seems unduly burdensome and if uniformly applied, this could mean that some members of the public could not afford to participate fully in the process.

FoKP and other organizations have provided substantial, credible documentary evidence meeting a "reasonable person" standard that this project will have significant environmental

impacts that have not been mitigated. As the public's representatives and regardless of your feelings about the project itself you are charged with ensuring that it meets environmental standards. CEQA's language is clear: this project requires a full EIR and we urge you to protect public resources by asking for the preparation of such a report prior to voting for approval. Surely this project, with its multiple impacts on natural resources, deserves as much review as a new Safeway on College Avenue. No matter how politically popular an institution may be, setting a precedent that full environmental review may be bypassed is bad precedent.

Sincerely yours,

Ruth E. Malone

Ruth Malone
Co-Chair, Friends of Knowland Park
Durant Park Highlands

Gabriele Allen

Gabriele Allen
Chabot Park Highlands Association

T. M. DeBoni

Thomas M. DeBoni
Associated Residents of Sequoyah Highlands

Stefanie Gandolfi
Associated Residents of Sequoyah Highlands

Sandra Marburg

Sandra Marburg
Associated Residents of Sequoyah Highlands

Karen Putz
South Hills Homeowners Association

Lee Ann Smith

Lee Ann Smith
Sequoyah Heights Homeowner Association

cc: Shute, Mihaly and Weinberger, LLP

Received on: Date 4/27/11 Time 2:20 pm

By
Oakland City Planning Department

Attachment 11:

Letter from California Native Plant Society, dated April 26, 2011

California Native Plant Society
East Bay Chapter P.O. Box 5597, Elmwood Station, Berkeley, CA 94705

Dear Oakland Planning Commissioners:

The East Bay Chapter of the California Native Plant Society (EBCNPS) appreciates the opportunity to comment on the planning commission's response to our March 14, 2011 letter concerning the Proposed Amendment to the Master Plan for the Oakland Zoo (Major Conditional Use Permit No. CM09085) and the Draft Subsequent Mitigated Negative Declaration/Addendum. This response was published in the April 20th Staff Report to the Planning Commission titled; "Item #8: Oakland Zoo Master Plan Amendment CM09-085; CP09-078; ER09-005."

The California Native Plant Society is a statewide non-profit conservation organization. CNPS works hard to protect California's native plant heritage and preserve it for future generations. Our members include both professional and lay botanists and the interested public. We promote native plant appreciation, research, education, and conservation through our 5 statewide programs and 33 regional chapters in California. The East Bay Chapter (EBCNPS) covers Alameda and Contra Costa Counties and its membership totals over 1000 members, many of whom live in Oakland.

GENERAL CONSIDERATIONS

Since our original comment letter on March 14, the planning department has responded to our request for updated biologicat surveys of the project area by completing a biological assessment of native grassland within the proposed project site. The planning department cites these surveys as being a preliminary step to future execution of the Habitat Enhancement Plan (HEP) which the department claims will effectively mitigate any destruction of native grassland on the project site. The "Exhibit A, Memorandum: Supplemental Grassland Mapping" section of the Staff Report also contains several recommendations (starting on pg. 10) for revising the HEP in response to the results of the recent grassland mapping surveys. These recommendations include increasing the HEP's mitigation ratio for native grassland from 2:1 to 3:1, adjusting building footprints and construction areas to avoid native grasslands, and transplanting dominant native grassland species where construction and new zoo footprint would result in their destruction.

The recommendations by the planning department for Habitat Enhancement Plan revision have been noted by the CNPS and we appreciate the planning department's response to our earlier comments. However, there are still glaring issues that we feel must be addressed for this plan to be successful. One issue is with the feasibility of the proposed grassland mitigation measures. Referencing the CEQA Guidelines Section 15364, "feasible" (for CEQA purposes) means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." Increasing the mitigation ratio for destroyed native grassland from 2:1 to 3:1 is a noble goal, but it is important that the challenges of such mitigation are properly understood. To this day, little is known about the natural

systems of native grasslands, and there are still no technologies in place that guarantee effective restoration of native grassland in an area that has been colonized by exotics such as the European Oat Grass and French Broom at Knowland Park. It is important to understand that the exotic grasses and shrubs that have colonized potential restoration areas have seed-banks in the soil that have been proven to last several decades. Successful restoration of these areas must take these seed banks into consideration and realize that any successful restoration effort will need to take steps to ensure these new potential weeds will be controlled for up to a century after the initial project has been completed.

SPECIFIC CONSIDERATIONS

A recent study completed by researchers at UC Davis and funded by Caltrans spent $450,000 trying to temporarily restore two acres of low elevation, non-riparian invasive-dominated grassland into California native grassland; thus putting the cost of *temporary* (permanent restoration is required by CEQA) restoration of California native grassland at $225,000 per acre. This study was carried out over five growing seasons beginning in 2003, using the best available technology including mowing, burning, drill seeding, thatching, and herbicide application and the highest percentage of natives the project achieved was 21% for one growing season (1). Today, the project site stands completely invaded by weeds, and the accompanying report noted that even once natives were established, the system would require continued maintenance to remain intact for more than 10 years. UC Davis, Caltrans and almost half a million dollars were unable to find an economically viable solution for effectively creating two acres of self sustaining California grassland ecosystem. If this per acre estimation is extrapolated to the Zoo's current HEP (which calls for a 3:1 mitigation ratio of 4.44 acres of impacted native grassland), the mitigation alone for this project would cost the city $2,997,000 just to establish *impermanent* mitigation areas with no more than 20% native species. Almost one acre of the proposed project site is noted in the HEP survey as "High Quality" grassland meaning that the native species component of the area was more than 40%. Restoring grassland to this level would be practically impossible considering the cost the city would incur. The continued management of the mitigation area for over a decade to prevent invasion of weeds from the seed bank and surrounding areas would likely double the above estimate. Needless to say, the monetary costs of mitigation for the current zoo expansion may economically invalidate the City's current HEP.

Considering the potential costs of the mitigation measures laid out in the HEP, a standing endowment must be part of the plan. Currently, the zoo has no money set aside for the required mitigations this project will create, nor has it laid out any provisions for funding the mitigation and monitoring activities of this plan. The CEQA process legally requires any mitigation measures be carried out in a timely manner and that estimates of mitigation cost and plans for mitigation funding be in place before the project begins. As of yet, this has not happened, and it must be included for this document to be legally relevant.

A second issue not addressed in the Mitigated Negative Declaration/ Addendum or the Habitat Enhancement Plan is that of natural communities present at the site that will be destroyed if the current project is accepted. One of the most valuable aspects of Knowiand Park is that chaparral, woodlands, and grasslands currently exist side by side. The ecotones created by these habitat boundaries are invaluable to many plant and animal species present at Knowiand Park. The cut and paste mitigation mentality of the current HEP will thoroughly disrupt these natural transition areas and be unable to restore them. An added educational value lies in the opportunity for the public to actually experience these biologically essential intergradations of habitat, almost nonexistent on the western side of the East Bay Hills. Zoo representatives claim that the value of the proposed expansion rests partly in the opportunity to fulfill its mission by providing new educational opportunities for city residents. The opportunity for new educational opportunities will be the same no matter where the Zoo chooses to expand. CNPS asks the planning commission to consider the loss of potential educational opportunities relating to native Califomia grassland and natural communities present at the current project site if this current plan is approved. These natural communities could be part of the Zoo's new exhibit of California native species. An EIR would bring alternatives to the table that could even include a shuttle taking zoo visitors on guided tours of the unique native natural resources Knowiand Park has to offer. Alternatives like this one could serve to bring home the positive message of the importance of conservation that the Zoo works so hard to promote and avoid the tragic destruction of the very habitat that the extirpated native animals in the proposed exhibit used to roam.

The City of Oakland values its public image and has always been attuned to projects and issues that have the potential to tarnish the city in the public eye. If this project is approved in its current state, the City will be at risk of having this poorly planned project painted as a "land grab" of free access public land. Sealing the public out of what is now their open space land will reflect very poorly on the city. The planning commission needs to use this project as an opportunity to lay out a path for good government decisions rather than opening the door for the City's critics to depict Oakland as a corrupt and greedy institution.

CNPS absolutely believes in the value of the Oakland Zoo and how the educational opportunities of the proposed expansion could benefit the city and its citizens. There are ways for the zoo to expand without the devastating impacts that the current plan will have. With a full EIR, altematives would be drawn up and considered, fully engaging the public process, and if a good alternative is presented, we would fully support expansion of the zoo. As a member of the planning commission, you review plans set before you to find and ensure any holes in these plans are attended to before they are recommended. Expansion of the Oakland Zoo has potential to be great for the city, both in revenue and in increasing the city's cultural value, but as it is currentiy laid out, this plan will only serve to damage the city's reputation. Not all open space is equal, and the area of the proposed project site is invaluable to the city and its residents. Please consider that when reviewing the current plan.

Please feel free to contact me if you have any questions (510-734-0335).

Sincerely,
Mack Casterman

Conservation Analyst, East Bay Chapter California Native Plant Society

Citations:

1.) Young S, Claassen V, University of California Davis. 2007. Evaluating Alternative Methods for Vegetation Control and Maintenance Along Roadsides: Study II [online] http://www.dot.ca.gov/hq/LandArch/research/docs/Veg_Conversion_Final_Report.pdf

Attachment 12:

Letter from California Wildlife Foundation & California Oaks, dated April 26, 2011

CALIFORNIA WILDLIFE FOUNDATION
428 13th Street, Suite 10A
Oakland, CA 94612

WWW.CALIFORNIAWILDLIFEFOUNDATION.ORG
tel 510.208.4436
fax 510.208.9948

April 26, 2011

Mr. Darin Ranelletti, Planner III
Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Mr. Ranelletti and Planning Commissioners:

This letter is written on behalf of the California Wildlife Foundation and California Oaks to express our concern over the proposed plan to rip out native habitat to teach people about California's wildlife and their needs.

Since California Oaks is a member of California Native Plant Society and Sierra Club, the letters submitted by those two organizations are incorporated into this letter by reference.

Please stop for a minute to revisit the very idea of disturbing grasslands and oak woodlands to teach people about the needs of wildlife in our state, county and city. California's oak woodlands and their companion grasslands sustain higher levels of biodiversity than virtually any other terrestrial ecosystem in the state. More than 300 species depend on oak woodlands for food and shelter.

Enclosed is a poster depicting representative wildlife in the California's Oak Woodland Community. A list of mammals, amphibians, reptiles and birds not shown in the poster is also enclosed. For additional information, please refer to www.californiaoaks.org or www.californiawildlifefoundation.org.

In 1988, the Oakland Zoo was included in the East Bay Regional Park District's Measure AA bond placed before the voters. EBRPD now has more than 100,000 acres of parks, open space and more than a thousand miles of trails where the Zoo could easily conduct held trips to view California's wildlife and native plants. It would surely be more worthy to link up with existing parks, open spaces, trails, and camping facilities and conserve the Zoo's own natural resources.

Contributing to climate change or moving to stabilize the enviable climate we enjoy today must be among the highest priorities for our communities throughout the region in taking action and educating those who will inherit the results of either good or bad decisions.

Thank you for reconsidering the very premise of this planning and community development effort.

Sincerely,

Janet S. Cobb, Executive Officer

CALIFORNIA OAKS

428 13th Street, Suite 10A / Oakland, CA 94612
www.californiaoaks.org

California Oak Woodland Community

Species shown on the California Oak Woodland Community poster are:

Birds

- California Quail
- Nuttall's Woodpecker
- Acorn Woodpecker
- Western Blue Bird
- Yellow-Billed Magpie
- Calliope Hummingbird
- Lazuli Bunting
- Cooper's Hawk

Mammals

- Dusky Footed Woodrat
- Black Bear
- Mountain Lion
- Mule Deer
- Gray Fox
- Rabbit

Insects

- California Dogface Butterfly

Vegetation

- Coast Live Oak
- Vine Maple
- Poison Oak
- California Poppies
- Sticky Monkey Flower
- Blue Oak
- Madrone Tree
- Valley Oak
- Willow
- Black Oak
- Golden Chanterelle

California's oak woodlands sustain higher levels of biodiversity than virtually any other terrestrial ecosystem in the state. More than 300 species depend on oak woodlands for food and shelter. Species not shown include the following:

Arboreal Salamander (Aneides lugubris)
Black Salamander (Aneides flavipunctatus)
Black- Bellied Slender Salamander (Batrachoseps nigriventris)
Bullfrog (Rana catesbeiana)
California Newt (Taricha torosa)
California Slender Salamander (Batrachoseps attenuatus)
California Treefrog (Hyla cadaverina)
Ensatina (Ensatina eschscholtzi)

Blunt-Nosed Leopard Lizard (Gambelia silus)
California Legless Lizard (Anniella pulchra)
California Mountain Kingsnake (Lampropeltis zonata)
California Whipsnake (Masticophis lateralis)
Coachwhip (Masticophis flagellum)
Coast Horned Lizard (Phrynosoma coronatum)
Common Garter Snake (Thamnophis sirtalis)
Common Kingsnake (Lampropeltis getulus)
Desert Night Lizard (Xantusia vigilis)
Desert Spiny Lizard (Sceloporus magister)
Giant Garter Snake (Thamnophis gigas)
Gilbert's Skink (Eumeces gilberti)
Glossy Snake (Arizona elegans)
Gopher Snake (Pituophis melanoleucus)
Granite Night Lizard (Xantusia henshawi)

Acorn Woodpecker (Melanerpes formicivorus)
Allen's Hummingbird (Selasphorus sasin)
American Crow (Corvus brachy-rhynchos)
American Goldfinch (Carduelis tristis)
American Kestrel (Falco sparverius)
American Robin (Turdus migratorius)
Anna's Hummingbird (Calypte anna)
Ash-Throated Flycatcher (Myiarchus cinerascens)
Bald Eagle (Haliaeetus leucocephalus)
Band-Tailed Pigeon (Columba fasciata)
Bank Swallow (Ripana ripana)
Barn Owl (Tyto alba)
Barn Swallow (Hirundo rustica)
Bewick's Wren (Thryomanes bewickii)
Black Swift (Cypseloides niger)
Black-Chinned Hummingbird (Archilochus alexandri)
Black-Crowned Night Heron (Nycticorax nycticorax)

Amphibians

Foothill Yellow-Legged Frog (Rana boylei)
Kern Canyon Slender Salamander (Batrachoseps simatus)
Limestone Salamander (Hydromantes brunus)
Long- Toed Salamander (Ambystoma macrodactylum)
Northwestern Salamander (Ampystoma gracile)
Pacific Slender Salamander (Batrachoseps pacificus)
Pacific Treefrog (Hyla regilla)
Red- Bellied Newt (Taricha rivulars)

Reptiles

Granite Spiny Lizard (Sceloporus orcuti)
Long-Nosed Snake (Rhinochellus lecontei)
Lyre Snake (Trimorphodon biscutatus)
Night Snake (Hypsiglena torquata)
Northern Alligator Lizard (Gerrhonotus coeruleus)
Orange-Throated Whiptail (Cnemidopborus nyperythrus)
Racer (Coluber constrictor)
Red Diamond Rattlesnake (Crotalus ruber)
Ringneck Snake (Diadopbis punctatus)
Rubber Boa (Charina boltae)
Sagebrush Lizard (Sceloporus graciosus)
Sharp-Tailed Snake (Contia tenuis)
Side-Blotched Lizard (Uta stansburiana)
Small-Scaled Lizard (Urosaurus microscutatus)

Birds

Black-Headed Grosbeak (Pheucticus melano-cephalus)
Black-Throated Gray Warpler (Oendroica nigrescens)
Blue-Gray Gnatcatcher (Polioptila caerulea)
Brewer's Blackbird (Euphagus cyanocephalus)
Brown Creeper (Certhia americana)
Brown-Headed Cowbird (Molothrus ater)
Burrowing Owl (Speotyto cuniculana)
Bushtit (Psaltriparus minimus)
California Condor (Gymnogyps californianus)
California Quail (Callipepla californica)
California Thrasher (Toxostoma redMvum)
California Towhee (Pipilo crissalis)
Calliope Hummingbird (Stellula calliope)
Cassin's Kingbird (Tyrannus vociferans)
Cattle Egret (Bubulcus ibis)
Cedar Waxwing (Bomoycilla cedrorum)
Chestnut-Backed Chickadee (Parus rufescens)

Red- Legged Frog (Rana aurora)
Rough-Skinned Newt (Taricha granulosa)
Shasta Salamander (Hydromantes shastae)
Tehachapi Slender Salamander (Batrachoseps stebbinsi)
Tiger Salamander (Ambystoma tigrinum)
Western Spadefoot (Scaphiopus hammondii)
Western Toad Bufo boreas

Southern Alligator Lizard (Gerrhonotus multicarinatus)
Speckled Rattlesnake (Crotalus mitchelli)
Western Aquatic Garter Snake (Thamnophis couchi)
Western Black-Headed Snake (Tantilla planiceps)
Western Blind Snake (Leptotyphlops humilis)
Western Fence Lizard (Sceloporus occidentalis)
Western Patch-nosed Snake (Salvadora hexalepis)
Western Pond Turtle (Clemmys marmorata)
Western Rattlesnake (Crotalus viridis)
Western Skink (Eumeces skiltonianus)
Western Terrestrial Garter Snake (Thamnophis elegans)
Western Whiptail (Cnemidophorus tigris)

Chipping Sparrow (Spizella passerina)
Cliff Swallow (Hirundo pyrihonota)
Common Nighthawk (Chordeiles minor)
Common Poorwill (Phalaenoptilus nuttallii)
Common Raven (Corvus corax)
Cooper's Hawk (Accipiter cooperii)
Cordilleran Flycatcher (Empidonax occidentalis)
Dark-Eyed Junco (Junco hyemalis)
Downy Woodpecker (Picoides pubescens)
Dusky Flycatcher (Empidonax oberholseri)
European Starling (Sturnus vulgaris)
Evening Grosbeak (Coccothraustes vesbertinus)
Ferruginous Hawk (Buteo regalis)
Flammulated Owl (Otus flammeolus)
Fox Sparrow (Passerella iliaca)
Golden Eagle (Aquila chrysaetos)
Golden-Crowned Kinglet (Reguius satraoa)
Golden-Crowned Sparrow (Zonotricnia atricapilla)

Flammulated Owl (Otus flammeolus)
Fox Sparrow (Passerella iliaca)
Golden Eagle (Aquila chrysaetos)
Golden-Crowned Kinglet (Regulus satrapa)
Golden-Crowned Sparrow (Zonotrichia atricapilla)
Great Blue Heron (Ardea herodias)
Great Egret (Casmerodius albus)
Great Horned Owl (Bubo virginianus)
Greater Roadrunner (Geococcyx californianus)
Green Heron (Butorides virescens)
Hairy Woodpecker (Picoides villosus)
Hammond's Flycatcher (Empidonax hammondii)
Hermit Thrush (Catharus guttatus)
Hermit Warbler (Dendroica occidentalis)
Horned Lark (Eremophila alpestris)
House Finch (Carpodacus mexicanus)
House Sparrow (Passer domesticus)
House Wren (Troglodytes aedon)
Huttons Vireo (Vireo huttoni)
Lark Sparrow (Chondestes grammacus)
Lawrence's Goldfinch (Carduelis lawrencei)
Lazuli Bunting (Passerina amoena)
Lesser Goldfinch (Carduelis psaltria)
Lesser Nighthawk (Chordeiles acutipennis)
Lewis Woodpecker (Melanerpes lewis)
Lincoln's Sparrow (Melospiza lincolnii)
Loggerhead Shrike (Lanius ludovicianus)
Long-eared Owl (Asio otus)
MacGillivray's Warbler (Oporornis tolmiei)
Mallard (Anas platyrhynchos)
Merlin (Falco columbarius)
Mountain Bluebird (Sialia currucoides)
Mountain Chickadee (Parus gambeli)
Mountain Quail (Oreortyx pictus)
Mourning Dove (Zenaida macroura)
Nashville Warbler (Vermivora ruficapilla)
Northern Flicker (Colaptes auratus)
Northern Goshawk (Accipiter gentilis)
Northern Harrier (Circus cyaneus)
Northern Mockingbird (Mimus polyglottos)
Northern Oriole (Icterus galbula)
Northern Pygmy-Owl (Glaucidium gnoma)
Northern Rough-Winged Swallow (Stelgidopteryx serripennis)
Northern Saw-Whet Owl (Aegolius acadicus)
Nuttall's Woodpecker (Picoides nuttallii)
Olive-sided Flycatcher (Contopus borealis)
Orange-Crowned Warbler (Vermivora celata)
Osprey (Pandion haliaetus)
Pacific-Slope Flycatcher (Empidonax difficilis)
Peregrine Falcon (Falco peregrinus)
Phainopepla (Phainopepla nitens)
Pileated Woodpecker (Dryocopus pileatus)
Pine Siskin (Carduelis pinus)
Plain Titmouse (Parus inornatus)
Prairie Falcon (Falco mexicanus)
Purple Martin (Progne subis)
Red-Breasted Nuthatch (Sitta canadensis)
Red-Breasted Sapsucker (Sphyrapicus ruber)
Red-Naped Sapsucker (Sphyrapicus nuchalis)
Red-Shouldered Hawk (Buteo lineatus)
Red-Tailed Hawk (Buteo jamaicensis)
Rock Dove (Columba livia)
Rock Wren (Salpinctes obsoletus)
Rough-Legged Hawk (Buteo lagopus)
Ruby-Crowned Kinglet (Regulus calendula)
Rufous Hummingbird (Selasphorus rufus)
Ruffed Grouse (Bonasa umbellus)
Rufous-Sided Towhee (Pipilo erythro-phthalmus)
Savannah Sparrow (Passerculus sandwichensis)
Say's Phoebe (Sayornis saya)
Scott's Oriole (Icterus parisorum)
Scrub Jay (Aphelocoma coerulescens)
Sharp-Shinned Hawk (Accipiter striatus)
Short-eared Owl (Asio flammeus)
Solitary Vireo (Vireo solitarius)
Song Sparrow (Melospiza melodia)
Spotted Owl (Strix occidentalis)
Steller's Jay (Cyanocitta stelleri)
Swainson's Hawk (Buteo swainsoni)
Swainson's Thrush (Catharus ustulatus)
Townsend's Solitaire (Myadestes townsendi)
Townsend's Warbler (Dendroica townsendi)
Tree Swallow (Tachycineta bicolor)
Turkey Vulture (Cathanes aura)
Varied Thrush (Ixoreus naevius)
Vaux's Swift (Chaetura vauxi)
Vesper Sparrow (Pooecetes gramineus)
Violet-Green Swallow (Tachycineta thalassina)
Warbling Vireo (Vireo gilvus)
Western Bluebird (Sialia mexicana)
Western Kingbird (Tyrannus verticalis)
Western Meadowlark (Sturnella neglecta)
Western Screech-Owl (Otus kennicottii)
Western Tanager (Piranga ludoviciana)
Western Wood-Pewee (Contopus sordidulus)
White-Breasted Nuthatch (Sitta carolinensis)
White Crowned Sparrow (Zonotrichia leucophrys)
White-Tailed Kite (Elanus leucurus)
White-Throated Swift (Aeronautes saxatalis)
Wild Turkey (Meleagris gallopavo)
Wilson's Warbler (Wilsonia pusilla)
Wood Duck (Aix sponsa)
Wrentit (Chamaea fasciata)
Yellow Warbler (Oendroica petechia)
Yellow-Billed Magpie (Pica nuttalli)
Yellow-Rumped Warbler (Oendroica coronata)

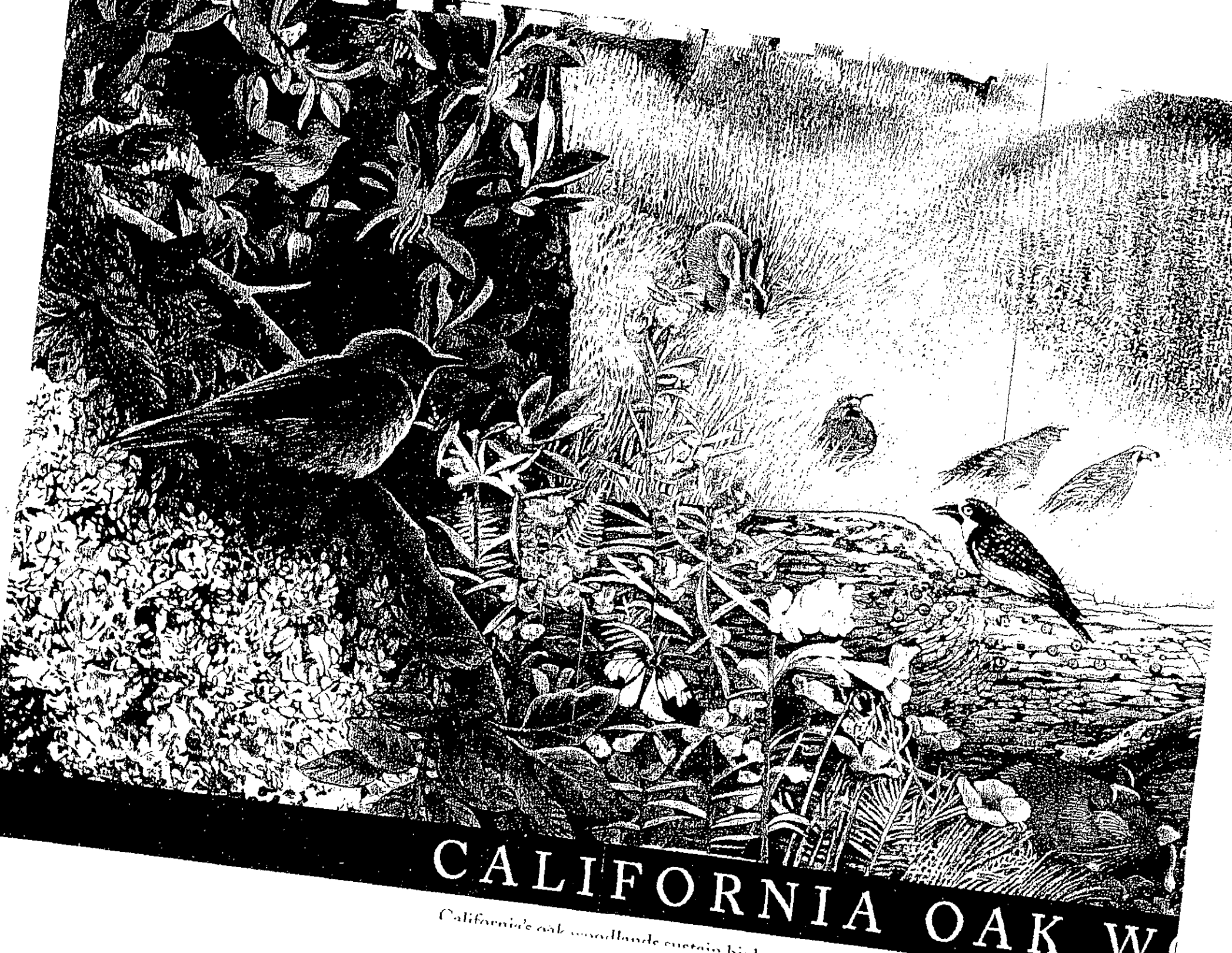
Mammal

Allen's Chipmunk (Tamias senex)
American Badger (Taxidea taxus)
Barbary Sheep (Ammotragus lervia)
Beaver (Castor canadensis)
Big Brown Bat (Eptesicus fuscus)
Black Bear (Ursus americanus)
Black Rat (Rattus rattus)
Black-Tailed Hare (Lepus californicus)
Bobcat (Felis rufus)
Botta's Pocket Gopher (Thomomys bottae)
Brazillian Free-Tailed Bat (Tadarida brasiliensis)
Broad-Footed Mole (Scapanus latimanus)
Brush Mouse (Peromyscus boylii)
Brush Rabbit (Sylvilagus bachmani)
Bushy-Tailed Woodrat (Neotoma cinerea)
California Chipmunk (Tamias obscurus)
California Ground Squirrel (Spermophilus beecheyi)
California Kangaroo Rat (Dipodomys californicus)
California Mouse (Peromyscus californicus)
California Myotis (Myotis californicus)
California Pocket Mouse (Chaetodipus californicus)
California Vole (Microtus californicus)
Coyote (Canis latrans)
Deer Mouse (Peromyscus maniculatus)
Desert Cottontail (Sylvilagus audubonii)
Desert Woodrat (Neotoma lepida)
Douglas' Squirrel (Tamiasciurus douglasii)
Dusky-Footed Woodrat (Neotoma fuscipes)
Elk (Cervus elaphus)
Ermine (Mustela erminea)
Fallow Deer (Cervus dama)
Feral Goat (Capra hircus)
Fox Squirrel (Sciurus niger)
Fringed Myotis (Myotis thysanodes)
Golden-Mantled Ground Squirrel (Spermophilus lateralis)
Gray Fox (Urocyon cinereo-argenteus)
Heermann's Kangaroo Rat (Dipodomys heermanni)
Himalayan Tahr (Hemitragus jemlahicus)
Hoary Bat (Lasiurus cinereus)
House Mouse (Mus musculus)
Island Fox (Urocyon littoralis)
Kit Fox (Vulpes macrotis)
Little Brown Myotis (Myotis lucifugus)
Long-eared Myotis (Myotis evotis)
Long-Legged Myotis (Myotis volans)
Long-Tailed Weasel (Mustela frenata)
Marsh Shrew (Sorex bendirii)
Merriam's Chipmunk (Tamias merriami)
Mountain Beaver (Aplodontia rufa)
Mountain Lion (Felis concolor)
Mule Deer (Odocoileus hemionus)
Narrow-Faced Kangaroo Rat (Dipodomys venustus)
Northern Flying Squirrel (Glaucomys sabrinus)
Norway Rat (Rattus norvegicus)
Ornate Shrew (Sorex ornatus)
Pacific Kangaroo Rat (Dipodomys agilis)
Pallid Bat (Antrozous pallidus)
Pinyon Mouse (Peromyscus truei)
Porcupine (Erethizon dorsatum)
Racoon (Procyon lotor)
Ringtail (Bassariscus astutus)
River Otter (Lutra canadensis)
Sambar (Cervus unicolor)
San Joaquin Kangaroo Rat (Dipodomys nitratoides)
San Joaquin Pocket Mouse (Perognathus inornatus)
Shrew-Mole (Neurotrichus gibbsii)
Silver-Haired Bat (Lasionycteris noctivagans)
Siskiyou Chipmunk (Tamias siskiyou)
Sonoma Chipmunk (Tamias sonomae)
Spotted Bat (Euderma maculatum)
Striped Skunk (Mephitis mephitis)
Townsend's Big-Eared Bat (Plecotus townsendii)
Trowbridge's Shrew (Sorex trowbridgii)
Vagrant Shrew (Sorex vagrans)
Virginia Opossum (Didelphis virginiana)
Western Gray Squirrel (Sciurus griseus)
Western Harvest Mouse (Reithrodon-tomys megalotis)
Western Mastiff Bat (Eumops perotis)
Western Pipistrelle (Pipistrellus hesperus)
Western Pocket Gopher (Thomomys mazama)
Western Red Bat (Lasiurus blossevillii)
Western Small-Footed Myotis (Myotis ciliolabrum)
Western Spotted Skunk (Spilogale gracilis)
Wild Horse (Equus caballus)
Wild Pig (Sus scrofa)
Yellow-Pine Chipmunk (Tamias amoenus)
Yuma Myotis (Myotis yumanensis)

...ist compiled by California Department of Forestry ... 1995

CWF/CALIFORNIA OAKS
428 13th Street, Suite 10A
Oakland, CA 94612
510/763-0282
WWW.CALIFORNIAOAKS.ORG

Our mission is to protect and preserve California's native oak woodlands and habitats.


CALIFORNIA OAK W

DLAND COMMUNITY

system in the state. More than 300 species depend on oak woodlands for food and shelter.
, in watersheds, and maintain water quality in streams and rivers.

Attachment 13:

Letter from California Native Grasslands Association, dated April 27, 2011

California Native Grasslands Association

P.O. Box 8327
Woodland, CA 95776

Phone/Fax 530.661.2280

www.cnga.org
admin@cnga.org

April 27, 2011

City of Oakland Planning Commission
1 Frank H Ogawa Plaza
Oakland, CA 94621

Dear Planning Commissioners,

RE: Staff Report on Oakland Zoo Expansion for April 27, 2011 meeting

Thank you for the opportunity to speak to the staff report that responds to March 16 comments on the "Draft Subsequent Mitigated Negative Declaration/Addendum (SMND/A)" -proposed expansion of the Oakland Zoo "California exhibit/trail" in Knowland Park.

Below are specific comments to the staff report and general comments on the significant environmental impacts of the California exhibit proposed in the SMND/A:

1. Existing native grassland description remains inadequate for Purple Needle Grass and California Oat Grass communities

The Exhibit A "Supplemental Grassland Mapping" included with the staff report discusses the Purple Needle Grass (Nassella pulchra) and California Oatgrass (Danthonia californica) stands in the project footprint and references the California Fish and Game (CDFG) categorization of these native grasslands. The report confirms that there is significant native grassland in the proposed project footprint and refers to the "sensitivity" of this plant habitat.

For the purposes of assessing the significance of the proposed project, this description remains inadequate. The importance of categorizing these native grassland systems as "S3" in fact means that they are "highly imperiled" (CDFG) and "rare and threatened" (Manual of California Vegetation, 2009) in California. The current proposal acknowledges that existing native grasslands will be destroyed as a result of building the "California exhibit/trail" as proposed. These grasslands are rare and threatened in California.

To our knowledge there is no better stand of this threatened oak-native grassland community in City of Oakland open space/parkland. Full assessment of the environmental impacts of the proposed project requires that the rarity of the existing biological resources be fully understood and considered.

The mission of the California Native Grasslands Association is to promote, preserve, and restore the diversity of California's native grasses and grassland ecosystems through education, advocacy, research, and stewardship.

2. The projected disturbance impacts to this rare and threatened natural plant community remain inadequate and inaccurate

The SMND/A and the Exhibit A "Supplemental Grassland Mapping" projects degrees of disturbance on the existing high-quality grasslands as "low", "limited", "high" and "maximum". These definitions lack any evidence or basis to assess their reliability. Yet, observations of intense, year-around use by medium to large animals in limited spaces shows that native vegetation is often denuded or replaced by weeds. Therefore, it is anticipated that the existing native grassland community would be severely degraded and lost due to the intensive and confined use in the proposed project.

3. Successful mitigation for rare, high quality native grassland is to conserve it

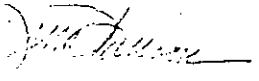
The staff report suggests a larger replacement ratio for native grassland that would be lost from building the proposed project. These native grassland systems are centuries in the making and the best mitigation, especially for an exhibit showing the natural diversity of California, is to conserve those stable, heritage native grassland systems. Therefore, building should occur on a previously disturbed, already weed-degraded area.

General Comments

Unfortunately, the existing proposal remains a "win-lose." While the additional comments in the staff report and information for this proposed project are appreciated, the SMND/A proposal continues to have significant and substantial impacts to the rare and heritage native grassland systems in Knowland Park and on future quality open space for Oakland residents.

A full EIR can provide a "win-win" in terms of jobs, zoo enhancement, and conservation of Oakland's remaining natural ecological diversity. We request a full EIR be done to look at project alternatives so that the "California Trail" continues to be trails in this special and exquisite open space. Indeed, by conserving and enhancing the existing natural areas of Knowland Park as a part of the overall Oakland Zoo "California" project concept, Oakland and the Zoo will benefit from a valuable authenticity and achieve education with conservation of what it intends to educate about.

Thank you for your interest and consideration for Oakland's special and valuable natural wealth.



Jim Hanson
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